# 2001

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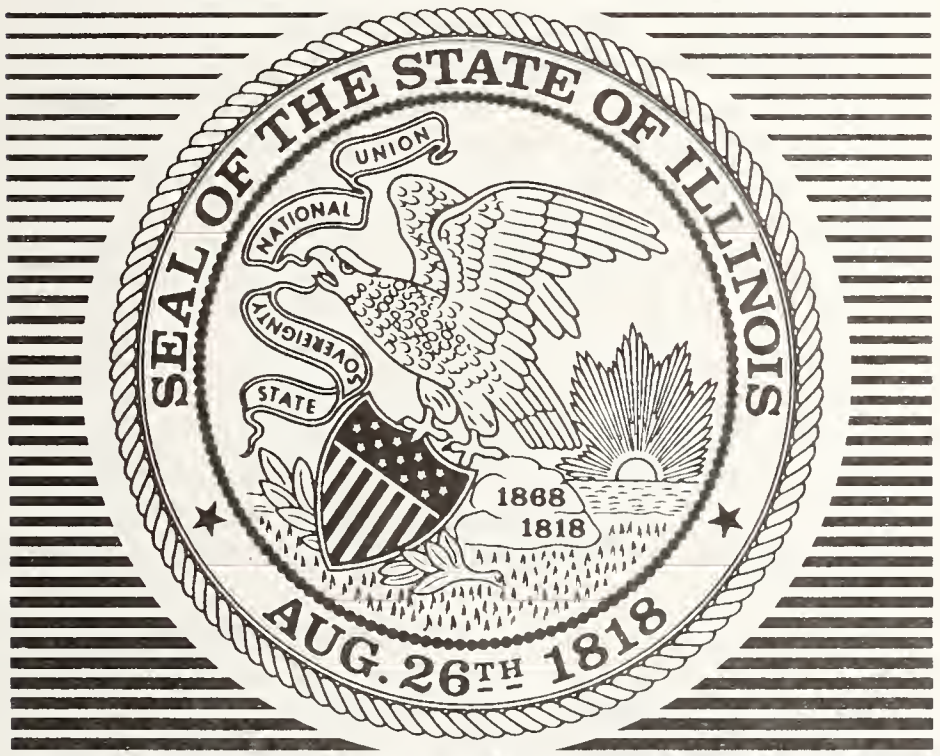


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**Editor's Note:** The Cumulative Index and Sections Affected Index will be printed on a quarterly basis. The printing schedule for the quarterly and annual indexes are as follows:

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DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Adoption Services for Children for Whom the Department of Children and Family Services Is Legally Responsible

2) Code Citation: 89 Ill. Adm. Code 309

3)

| Section Numbers: | Proposed Action: |
|---|---|
| 309.50 | Amend |
| 309.70 | Amend |

4) Statutory Authority: 20 ILCS 505; 750 ILCS 50; 42 USCA 670 et seq.; 45 CFR 1356.40 and 1356.41.

5) A Complete Description of the Subjects and Issues Involved: The Department is amending Section 309.50, Identification of Children for Potential Adoption Planning, by deleting subsection (c)(14) from the list of grounds of parental unfitness. In 2001, the Illinois Supreme Court ruled this ground to be unconstitutional in re H.G., Nos. 89115, 89783, and 90053.

The Department is also amending Section 309.70, based on the fact that Public Act 92-0320 amended the Adoption Act provisions regarding consents to adoption by a specified person to provide that a consent to an adoption is voidable, if the specified person or persons do not file a petition after the consent is signed and after one year has elapsed the parent files a motion to revoke the consent. Public Act 92-0320 also reduces, from one year to 6 months, the time period in which a minor or sibling of the minor must have resided with a foster parent who seeks to adopt the minor in order for the parents to execute a consent to the adoption of the child by the foster parents.

6) Will these proposed amendments replace any emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any proposed amendments to this Part pending? No

10) Statement of Statewide Policy Objectives: These amendments do not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3].

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:



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Jeff E. Osowski
Office of Children and Family Policy
Department of Children and Family Services
406 East Monroe, Station #65
Springfield, Illinois 62701-1498
Telephone: (217) 524-1983
TTY: (217) 524-3715
Internet: CFPolicy@idcfs.state.il.us

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER a: SERVICE DELIVERY

PART 309
ADOPTION SERVICES FOR CHILDREN FOR WHOM THE DEPARTMENT OF CHILDREN AND FAMILY SERVICES IS LEGALLY RESPONSIBLE

Section
309.10 Purpose
309.20 Definitions
309.30 Recruitment of Adoptive Families
309.40 Adoption Listing Services
309.50 Identification of Children for Potential Adoption Planning
309.60 Legal Risk Placements
309.70 Freeing Children for Adoption
309.80 Termination of Parental Rights
309.90 Putative Father Registry
309.100 Preparation of Children for Adoption
309.105 Who May Adopt a Child
309.110 Preparation and Training of Adoptive Families
309.120 Preparation of the Child's Biological Parents
309.130 Placement Considerations
309.140 Placement of Children with Adoptive Families
309.150 Providing Information to Adoptive Families
309.160 Post-Placement Services
309.170 Post-Adoption Services
309.180 Adoption Assistance
309.190 Adoption Registry

AUTHORITY: Implementing and authorized by Sections 4 and 5 of the Children and Family Services Act [20 ILCS 505/4 and 5] and the Adoption Act [750 ILCS 50]; implementing the Adoption Assistance and Child Welfare Act of 1980 (42 USCA 670 et seq.; 45 CFR 1356.40 and 1356.41); and the Adoption and Safe Families Act (42 USCA 1305).

SOURCE: Adopted at 22 Ill. Reg. 8769, effective May 15, 1998; amended at 23 Ill. Reg. 11098, effective September 16, 1999; amended at 25 Ill. Reg. 11778, effective September 14, 2001; amended at 26 Ill. Reg. _____, effective _____.

**Section 309.50 Identification of Children for Potential Adoption Planning**

a) The Department shall immediately consider for all children under its care the possibility of adoption when exploring permanency options, and begin adoption planning when it is in the child's best interests and when either the grounds for parental unfitness as defined in the Adoption Act described in subsection (b) below are present or other



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additional factors as described in subsection (c) or (d) of this Section are present.

b) When any of the grounds for parental unfitness, as defined in the Adoption Act, or expedited termination of parental rights are identified, the following actions shall be taken:
   1) the parents shall explore the opportunity to voluntarily surrender their child for adoption or consent to the adoption of their child by specified person as described in Section 309.70(c) or (d); or
   2) if the parents are unwilling to voluntarily surrender or consent to the adoption of the child, the case shall be referred for an internal legal screening in accordance with Section 309.80 (Termination of Parental Rights) to determine whether to seek involuntary termination of parental rights.

c) The following grounds of parental unfitness are defined in Section 1 of the Adoption Act [750 ILCS 50/1] and should be considered when adoption is in the best interests of the child:
   1) *Abandonment of the child. Abandonment of a newborn infant in a hospital. Abandonment of a newborn infant in any setting where the evidence suggests that the parent intended to relinquish his or her parental rights.*
   2) *Failure to maintain a reasonable degree of interest, concern or responsibility as to the child's welfare.*
   3) *Desertion of the child for more than three months next preceding the commencement of the adoption proceeding.*
   4) *Substantial neglect of the child if continuous or repeated. Substantial neglect, if continuous or repeated, of any child residing in the household which resulted in the death of that child.*
   5) *Extreme or repeated cruelty to the child.*
   6) *Two or more findings of physical abuse to any children under Section 4-8 of the Juvenile Court Act or Section 2-21 of the Juvenile Court Act of 1987* [705 ILCS 405]*, the most recent of which was determined by the juvenile court hearing the matter to be supported by clear and convincing evidence; a criminal conviction or a finding of not guilty by reason of insanity resulting from the death of any child by physical abuse; or a finding of physical child abuse resulting from the death of any child under Section 4-8 of the Juvenile Court Act or Section 2-21 of the Juvenile Court Act of 1987.*
   7) *Failure to protect the child from conditions within his environment injurious to the child's welfare.*
   8) *Other neglect of, or misconduct toward, the child; provided that in making a finding of unfitness the court hearing the adoption proceeding shall not be bound by any previous finding, order or judgement affecting or determining the rights of the parents toward the child sought to be adopted in any other proceeding except such proceedings terminating parental rights as shall be*

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had under either the Adoption Act, the Juvenile Court Act or the Juvenile Court Act of 1987.

9) Depravity.

A) Conviction of any one of the following crimes shall create a presumption that a parent is depraved which can be overcome only by clear and convincing evidence:

i) first degree murder in violation of paragraph 1 or 2 of subsection (a) of Section 9-1 of the Criminal Code of 1961 or conviction of second degree murder in violation of subsection (a) of Section 9-2 of the Criminal Code of 1961 of a parent of the child to be adopted;

ii) first degree murder or second degree murder of any child in violation of the Criminal Code of 1961;

iii) attempt or conspiracy to commit first degree murder or second degree murder of any child in violation of the Criminal Code of 1961;

iv) solicitation to commit murder of any child, solicitation to commit murder of any child for hire, or solicitation to commit second degree murder of any child in violation of the Criminal Code of 1961; or

v) aggravated criminal sexual assault in violation of Section 12-14(b)(1) of the Criminal Code of 1961.

B) There is a rebuttable presumption that a parent is depraved if the parent has been criminally convicted of at least 3 felonies under the laws of this State or any other state, or under federal law, or the criminal laws of any United States territory; and at least one of these convictions took place within 5 years of the filing of the petition or motion seeking termination of parental rights.

C) There is a rebuttable presumption that a parent is depraved if that parent has been criminally convicted of either first or second degree murder of any person as defined in the Criminal Code of 1961 within 10 years of the filing date of the petition or motion to terminate parental rights.

10) Open and notorious adultery or fornication.

11) Habitual drunkenness or addiction to drugs, other than those prescribed by a physician, for at least one year immediately prior to the commencement of the unfitness proceeding. There is a rebuttable presumption that a parent is unfit under this subsection (c) with respect to any child to which that parent gives birth where there is a confirmed test result that at birth the child's blood, urine, or meconium contained any amount of a controlled substance as defined in subsection (f) of Section 102 of the Illinois Controlled Substances Act or metabolites of such substances, the presence of which in the newborn infant was not the result of medical treatment administered to the mother or the newborn infant; and the biological mother of this child is the



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biological mother of at least one other child who was adjudicated a neglected minor under subsection (c) of Section 2-3 of the Juvenile Court Act of 1987.

12) Failure to demonstrate a reasonable degree of interest, concern or responsibility as to the welfare of a newborn child during the first 30 days after its birth.

13) Failure by a parent to make reasonable efforts to correct the conditions that were the basis for the removal of the child from the parent, or to make reasonable progress toward the return of the child to the parent within 9 months after an adjudication of neglected or abused minor or dependent minor under the Juvenile Court Act or the Juvenile Court Act of 1987. If a service plan has been established as required under Section 8.2 of the Abused and Neglected Child Reporting Act to correct the conditions that were the basis for the removal of the child from the parent and if those services were available, then, for purposes of this Part, "failure to make reasonable progress toward the return of the child to the parent" includes the parent's failure to substantially fulfill his or her obligations under the service plan and correct the conditions that brought the child into care within 9 months after the adjudication under Section 2-3 or 2-4 of the Juvenile Court Act of 1987.

~~14) Pursuant to the Juvenile Court Act of 1987, a child has been in foster care for 15 months out of any 22 month period which begins on or after June 30 of 1998 unless the child's parent can prove by a preponderance of the evidence that it is more likely than not that it will be in the best interests of the child to be returned to the parent within 6 months of the date on which a petition for termination of parental rights is filed under the Juvenile Court Act of 1987.~~

~~A) The 15 month time limit is tolled during any period for which there is a court finding that the appointed custodian or guardian failed to make reasonable efforts to reunify the child with his or her family, provided that:~~

~~i) the finding of no reasonable efforts is made within 60 days of the period when reasonable efforts were not made; or~~

~~ii) the parent filed a motion requesting a finding of no reasonable efforts within 60 days of the period when reasonable efforts were not made.~~

~~B) For purposes of this ground, the date of entering foster care is the earlier of:~~

~~i) the date of a judicial finding at an adjudicatory hearing that the child is an abused, neglected, or dependent minor; or~~

~~ii) 60 days after the date on which the child is removed from his or her parent, guardian, or legal custodian.~~

14~~15~~) Evidence of intent to forego his or her parental rights,

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*whether or not the child is a ward of the court:*

A) *as manifested by his or her failure for a period of 12 months:*

i) *to visit the child,*

ii) *to communicate with the child or agency, although able to do so and not prevented from doing so by an agency or by court order, or*

iii) *to maintain contact with or plan for the future of the child, although physically able to do so; or*

B) *as manifested by the father's failure, where he and the mother of the child were unmarried to each other at the time of the child's birth:*

i) *to commence legal proceedings to establish his paternity under the Illinois Parentage Act of 1984* [750 ILCS 45] *or the law of the jurisdiction of the child's birth within 30 days of being informed, pursuant to Section 12a of* the Adoption Act, *that he is the father or the likely father of the child or, after being so informed where the child is not yet born, within 30 days of the child's birth, or*

ii) *to make a good faith effort to pay a reasonable amount of the expenses related to the birth of the child and to provide a reasonable amount for the financial support of the child, the court to consider in its determination all relevant circumstances, including the financial condition of both parents; provided that the ground for termination provided in this* subsection (b) *shall only be available where the petition is brought by the mother or the husband of the mother.*

15~~16~~) *Repeated or continuous failure by the parents, although physically and financially able, to provide the child with adequate food, clothing, or shelter.*

16~~17~~) *Inability to discharge parental responsibilities supported by competent evidence from a psychiatrist, licensed clinical social worker, or clinical psychologist of mental impairment, mental illness or mental retardation as defined in Section 1-116 of the Mental Health and Developmental Disabilities Code* [405 ILCS 5/1-116], *or developmental disability as defined in Section 1-106 of that Code, and there is sufficient justification to believe that the inability to discharge parental responsibilities shall extend beyond a reasonable time period.*

17~~18~~) *The parent has been criminally convicted of aggravated battery, heinous battery, or attempted murder of any child.*

18~~19~~) *A finding that at birth the child's blood,* urine or *meconium contained any amount of a controlled substance as defined in subsection (f) of Section 102 of the Illinois Controlled Substances Act, or a metabolite of a controlled substance, with the exception of controlled substances or metabolites of such*



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*substances, the presence of which in the newborn infant was the result of medical treatment administered to the mother or the newborn infant, and that the biological mother of this child is the biological mother of at least one other child who was adjudicated a neglected minor under subsection (c) of Section 2-3 of the Juvenile Court Act of 1987, after which the biological mother had the opportunity to enroll in and participate in a clinically appropriate substance abuse counseling, treatment, and rehabilitation program.*

19~~20~~) *The child is in the temporary custody or guardianship of the Department of Children and Family Services, the parent is incarcerated as a result of criminal conviction at the time the petition or motion for termination of parental rights is filed, prior to incarceration the parent had little or no contact with the child or provided little or no support for the child, and the parent's incarceration will prevent the parent from discharging his or her parental responsibilities for the child for a period in excess of 2 years after the filing of the petition or motion for termination of parental rights.*

20~~21~~) *The child is in the temporary custody or guardianship of the Department of Children and Family Services, the parent is incarcerated at the time the petition or motion for termination is filed, the parent had been repeatedly incarcerated as a result of criminal convictions, and the parent's repeated incarceration has prevented the parent from discharging his or her parental responsibilities for the child.*

d) Expedited Termination of Parental Rights

At any time between case opening and 30 days prior to an court adjudication, if it becomes known that one or more of the grounds for parental unfitness listed in subsection (d)(1) or (2) exist, the caseworker will seek immediate supervisory consultation to request that a legal screening be convened in accordance with Section 309.80 (Termination of Parental Rights). The purpose of the legal screening will be to determine whether the State's Attorney should be asked to file a petition for expedited termination of parental rights.

1) Grounds for which expedited termination of parental rights must be sought are:

A) extreme or repeated cruelty to the child;

B) a finding of physical abuse and criminal conviction of aggravated battery of the child;

C) conviction of: first degree murder in violation of Section 9-1(a)(1) or (2) of the Criminal Code of 1961 or conviction of second degree murder in violation of Section 9-2(a) of the Criminal Code of 1961 of a parent of the child to be adopted; a criminal conviction of first degree murder or second degree murder of any child in violation of the Criminal Code of 1961; a criminal conviction of attempt or conspiracy to commit first degree murder or second degree

murder of any child in violation of the Criminal Code of 1961; a criminal conviction of solicitation to commit murder of any child, solicitation to commit murder of any child for hire, or solicitation to commit second degree murder of any child in violation of the Criminal Code of 1961; or criminal conviction of aggravated criminal sexual assault in violation of Section 12-14(b)(1) of the Criminal Code of 1961;

D) abandonment of a newborn infant in a hospital;

E) abandonment of a newborn infant in a setting where the evidence suggests that the parent intended to relinquish parental rights;

F) incarceration of a parent as a result of a criminal conviction where prior to incarceration the parent had little or no contact with the child or provided little or no support of the child, and the parent's incarceration will prevent the parent from discharging his or her parental responsibilities for the child for a period of two years after the filing of the petition or motion for termination of parental rights.

2) Grounds for which expedited termination of parental rights shall be considered, and for which the casework supervisor must document the reason for not considering expedited termination of parental rights, are:

A) abandonment of the child (other than newborn infant);

B) desertion;

C) inability to discharge parental responsibility due to mental illness, mental impairment or developmental disability;

D) a finding that at birth the child's blood, urine or meconium contained any amount of a controlled substance as defined in subsection (f) of Section 102 of the Illinois Controlled Substance Act, or a metabolite of a controlled substance, with the exception of controlled substances or metabolites of such substances, the presence of which in the newborn infant was the result of medical treatment administered to the mother or the newborn infant, and that the biological mother of this child is the biological mother of at least one other child who was adjudicated a neglected minor under subsection (c) of Section 2-3 of the Juvenile Court Act of 1987, after which the biological mother had the opportunity to enroll in and participate in a clinically appropriate substance abuse counseling, treatment, and rehabilitation program.

e) Other additional factors to be considered in identifying the possibility of adoption for a child are:

1) the parents have signed or indicated a desire to sign a consent or surrender for adoption;

2) the parents have previously signed a consent or surrender for adoption with regards to other children in the past and those children were the subjects of abuse, neglect or dependency petitions and/or parental rights have been terminated with regard to other children in the past, thus indicating that there may be risk of harm to other children in the parents' care; or

3) the parents have made unsatisfactory progress in correcting the conditions which led to the removal of his or her children, resulting in a rating of unsatisfactory progress which may be indicative of parental unfitness and return home to either parent is unlikely.

f) The child's case shall be assessed to determine if any of the grounds for parental unfitness or other factors listed above exist:

1) when the Department first assumes custody of the child;

2) within 30 days after case opening;

3) at each administrative case review; and

4) at no less than quarterly reviews and supervisory meetings.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

**Section 309.70 Freeing Children for Adoption**

a) Children for whom the Department of Children and Family Services is legally responsible are free for adoption when any of the following occurs:

1) both parents of the child have signed adoptive surrenders or consents to adoption by a specified person as described in subsection (c) below; or

2) one parent has signed an adoptive surrender or consent to adoption by a specified person as described in subsection (c) below, and parental rights of the remaining parent have been terminated through court action or the remaining parent is deceased; or

3) a court has terminated the parental rights of both parents.

b) A child 14 years of age or over who is free for adoption must consent to the adoption.

c) Parents shall be informed that surrenders or consents signed prior to a court determination of abuse, neglect, or dependency may render the child ineligible for adoption assistance.

d) The following criteria apply to a surrender for adoption:

1) The parent or parents must surrender the child to the Department or a child welfare agency as defined by the Child Care Act [225 ILCS 10];

2) The surrender must be on a form that substantially complies with the forms for surrender contained in the Adoption Act [750 ILCS 50/10(C)];

3) The surrender authorizes the agency to place the child with a family or individual selected by the agency;

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4) The agency consents to the adoption of the child when the adoption proceeding is commenced in court;
5) No surrender assented to by the mother shall be taken within the 72 hour period immediately following the birth of the child;
6) A surrender assented to by the mother not less than 72 hours after the birth of the child is irrevocable unless obtained by fraud or duress;
7) A surrender may be assented to by the father of the child prior to the birth of the child and may be revoked within 72 hours after the birth by proper written notification from the father. If not revoked by the father within 72 hours after the birth of the child, the surrender is irrevocable. The surrender of a child prior to birth must be on a form that substantially complies with the forms for surrender contained in the Adoption Act [750 ILCS 50/10(D)].

e) The following criteria apply to a consent to adoption by a specified person:
1) In order to execute a consent to adoption by a specified person:
A) the parent or parents must be the parents of a child in whose interests an abuse or neglect or dependency petition has been filed; and
B) the Department must approve of the consents by conducting an assessment of the person who will adopt the child, including a check of the Child Abuse and Neglect Tracking System and a Law Enforcement Agencies Data System check; and
C) the person who is named in the consent as the person who will adopt the child must be person:
i) in whose physical custody the child had resided for at least one year; or
ii) in whose physical custody at least one sibling of the child who is the subject of this consent has resided for at least one year, and the child who is the subject of the consent is currently residing in this foster home; or
iii) in whose physical custody a child under one year of age has resided for at least three months;
2) The consent shall be valid only if the persons specified in the consent adopts the child;
3) The consent shall be void if:
~~A) the specified person or persons do not file a petition to adopt the child within one year after the consent is signed; or~~
AB) a court denies the adoption petition; or
BC) the Guardianship Administrator of the Department determines that the specified persons will not or cannot complete the adoption or, in the best interest of the child, should not adopt the child; or
C) the specified person or persons do not file a petition to



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adopt the child within one year after the consent is signed and the birth parent files a motion in court requesting that the consent be voided after the year has elapsed.
4) Within 30 days after the consent becomes void, the Guardianship Administrator of the Department shall make good faith attempts to notify the parent, the court and all additional persons, including the State's Attorney, the guardian ad litem, attorneys for the parents, and the person who would have adopted the child as specified in the consent, that adoption has or will not occur and that the consent is void;
5) If the adoption does not occur, the biological parents who executed the consent must be notified of any further proceedings to terminate parental rights.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Permanency Planning

2) Code Citation: 89 Ill. Adm. Code 315

3)

| Section Numbers: | Proposed Action: |
|---|---|
| 315.100 | Amendment |
| 315.120 | Amendment |
| 315.130 | Amendment |
| 315.140 | Amendment |
| 315.200 | Amendment |
| 315.235 | Amendment |

4) Statutory Authority: 20 ILCS 505; 705 ILCS 405

5) A Complete Description of the Subjects and Issues Involved: These amendments change the amount of time in which initial service plans must be completed. The timeframe has been increased from 30 days from a child's placement to no later than the 45 days after placement within which the Department is required to submit the plan to the juvenile court as required by the Juvenile Court Act.

In addition the Department is adding an amendment by which a hospital discharge summary can serve as the initial health screening required by Section 315.100(b)(2)(A) if the child is in the hospital at the time the Department takes protective custody. Also, in the following subsection (b)(2)(B), the requirement for completing the comprehensive health screen has been extended from 21 days to within the 45 day period needed to submit the service plan to the court. In subsection (c), Ongoing Assessment, health, including well child exams and a review of immunizations, has been added to safety and risk as what must be reassessed on an ongoing basis.

The Department is also amending the permanency goal of independence by raising the age at which the goal of independence may be selected for a child from 13 years or older to 16 years or older. This revision implements Public Act 93-0320.

6) Will these proposed amendments replace an emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any proposed amendments to this Part pending? No

10) Statement of Statewide Policy Objectives: These rules do not create or expand a state mandate as defined in Section 3(b) of the State Mandates



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Act [30 ILCS 805/3].

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Jeff Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 East Monroe, Station #65
Springfield, Illinois 62701-1498
Telephone: (217) 524-1983
TTY: (217) 524-3715
Internet address: cfpolicy@idcfs.state.il.us

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses affected: Child welfare agencies who contract with the Department

B) Reporting, bookkeeping or other procedures required for compliance: Caseworkers must complete written service plans that must be filed with the juvenile court and others as specified in the rules.

C) Types of professional skills necessary for compliance: Casework skills necessary to conduct complex assessments of children who are placed in substitute care and their families, to engage families in helping relationships, to develop and monitor service plans, evaluate progress made by parents, and make decisions affecting the best interests of children.

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: The need for the amendments was not anticipated at time of submission of either of the two most recent regulatory agendas.

The full text of the Proposed Amendments begins on the next page.

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TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER a: SERVICE DELIVERY

PART 315
PERMANENCY PLANNING

SUBPART A: PRINCIPLES OF PERMANENCY PLANNING

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315.20 Definitions
315.30 Best Interests, Health and Safety of the Child
315.40 Accountability
315.45 The Need for a Permanent Home
315.50 Reasonable Efforts/Reasonable Progress
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315.240 Cannot Be Provided for in a Home Environment
315.245 Concurrent Planning
315.250 Applicability of Reunification Services

SUBPART D: EVALUATION AND DECISIONMAKING

Section
315.300 Evaluating Whether Children in Placement Should Be Returned Home



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315.305 When Reunification Is Inappropriate
315.310 Termination of Services and Planning for Aftercare

AUTHORITY: Implementing and authorized by the Children and Family Services Act [20 ILCS 505], the Abused and Neglected Child Reporting Act [325 ILCS 5], the Adoption Assistance and Child Welfare Act of 1980, amending Section 475 of the Social Security Act (42 USCA 670 et seq.), the Juvenile Court Act of 1987 [705 ILCS 405], and the Adoption Act [750 ILCS 50].

SOURCE: Adopted at 23 Ill. Reg. 2539, effective February 1, 1999; amended at 25 Ill. Reg. 11785, effective September 14, 2001; amended at 26 Ill. Reg. _____, effective _____.

SUBPART B: ASSESSMENT AND OTHER CASEWORK ACTIVITIES

**Section 315.100 Assessment**

Assessment consists of an initial assessment of a child and family to determine whether a case should be opened and services delivered, a comprehensive assessment to determine the needs of the family to provide the appropriate intervention and services, and an ongoing assessment conducted throughout the duration of time that the children and family are receiving services. Initial assessment provides a baseline of family strengths and needs by which a caseworker and supervisor can evaluate subsequent progress.

a) Initial Assessment
The initial assessment consists of a preliminary assessment prior to case opening in order to:
1) assess the health and safety of the children to determine whether the child can safely remain in his or her current living arrangement;
2) identify the level of risk of harm to the children in the family, develop and implement a safety plan (if at any time the aggravating circumstances appropriate for expedited termination of parental rights exist, the worker shall immediately follow the instructions for expedited termination of parental rights contained in 89 Ill. Adm. Code 309 (Adoption Services for Children for Whom the Department of Children and Family Services is Legally Responsible));
3) identify what interventions and services can be provided to address the causes of abuse and neglect, and assure a child's health and safety without placement;
4) identify any needs of an emergency nature, including food, shelter, and clothing;
5) begin to identify and preliminarily select placement resources that meet the placement selection criteria contained in 89 Ill. Adm. Code 301 (Placement and Visitation Services); and
6) identify any special communication needs the child may have, in addition to identifying the communication needs specified by the

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child's parents and/or legal guardians.

b) Comprehensive Assessment
The comprehensive assessment is an assessment completed in time to ensure submittal of the service plan to the juvenile court no later than 45 days after placement as required by Section 2-10 of the Juvenile Court Act of 1987 [705 ILCS 405/2-10] ~~no later than 30 calendar days following case referral or case opening~~. During the comprehensive assessment period the worker shall conduct at least weekly face-to-face visits with the parent and any children remaining in the custody of the parent. When the parent cannot be located, a diligent search shall be made to locate the parent, as required by 89 Ill. Adm. Code 332 (Diligent Searches Conducted by the Department of Children and Family Services), and the parent's portion of the comprehensive assessment shall be completed within 30 days after the parent is located.

1) The comprehensive assessment shall consist of any part of the initial assessment that has not yet been completed and the following tasks:
   A) completion of a social history of the child and family to determine the strengths and needs of the family;
   B) continued assessment of the health and safety and level of risk to the children in the family (If at any time the aggravating circumstances appropriate for expedited termination of parental rights exist, the worker shall immediately follow the instructions for expedited termination of parental rights.);
   C) assessment of the parents as it relates to their ability to care for the child, including referral for diagnostic mental health and substance abuse assessment, when indicated;
   D) for children for whom the Department has legal responsibility, the comprehensive assessment shall also include:
      i) a compilation of the medical and immunization history of the child and, where available, relevant medical history of the child's parents;
      ii) location of missing or non-custodial parents and other relatives and their relationship to the family;
      iii) a preliminary, age appropriate substance abuse screening of the child, if indicated by any other component of the assessment;
      iv) a basic educational screening including identification of the child's current school and grade level, educational history, and identification of any educational goals and needs, including the need for any further educational testing or assessments.

2) In addition, for those children, who are placed in substitute care, the comprehensive assessment shall also include:
   A) an initial health screening by a qualified medical provider



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in accordance with EPSDT standards, within 24 hours after placing the child in protective custody, of sufficient scope to permit the Department or purchase of service agency to ascertain enough about the current health of the child to identify:
   i) any health needs requiring immediate attention; and
   ii) any health information needed to make an informed placement decision.~~;~~

If a child is in the hospital at the time the Department takes protective custody, the hospital discharge summary shall serve as the initial health screening.

   B) a comprehensive health evaluation in time to submit the service plan to the juvenile court within the 45 day period ~~screen within 21 days~~ after a child's placement in foster care that includes a physical, dental and mental health status of all children and a developmental screening on all children not yet of school age conducted by medical personnel and followed by more intensive evaluation as indicated or recommended. All children taken into Department custody are to be enrolled in Health Works within the first 45 ~~21~~ days after the Department assumes custody.

3) For those children in foster or relative care, the comprehensive assessment shall include an assessment of whether the foster parent/relative caregiver identifying information shall be released to the parent. Identifying information of the foster parent/relative caregiver shall not be released to the child's parents or siblings in the care of their parents when any of the following is found in the assessment of the parent or other adult living in the home:
   A) A check of the Law Enforecement Agencies Data System (LEADS) identifies a conviction for any of the crimes listed in Appendix A(a)(1), (3), or (4) of 89 Ill. Adm. Code 301 (Placement and Visitation Services); or
   B) The parent or other adult living in the home has threatened violence against a foster parent/relative caregiver or Department or purchase of service agency worker; or
   C) The parent or other adult living in the home has exhibited violence against a foster parent/relative caregiver or Department or purchase of service agency worker in the past; or
   D) The parent or other adult living in the home has or has threatened to abduct or harm the child.

c) Ongoing Assessment
Ongoing assessment continues throughout the life of the case until service termination and shall be used to guide the Department or purchase of service agency in developing an appropriate case plan and guide decisionmaking concerning the Department's or purchase of service agency's reasonable efforts and the client's reasonable

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progress to correct conditions and/or behavior that threaten a child's health and safety. The ongoing assessment shall consist of reassessing health, safety and risk and the reapplication of any additional screenings as described in subsection (b) whenever the facts of the case indicate the need as well as well-child exams and a review of immunizations, until termination of services.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

**Section 315.120 Family Meetings**

Family meetings are a tool intended to engage the family in the planning process. Therefore, caseworkers shall make intensive efforts to persuade and encourage parents, including non-custodial parents, to attend the family meetings, especially during the first 90 days, by explaining to them the importance of the family meeting and of attending and cooperating with the process. Casework staff should make every effort when planning family meetings to be flexible and attempt as much as possible to schedule meetings at a time and place where parents can attend, preferably in the parent's home. Staff shall take into consideration parents' work schedules, transportation issues, availability of interpreters (if the parents' primary language of communication is other than English), and any other barriers that might prevent parents from participating. Parents shall be reminded of the court admonishment to cooperate with the Department and that refusal or chronic failure to attend family meetings may be considered by the Department and the court as a lack of reasonable progress. After reaching agreement with the parents on the date, time, location, and participants of the family meeting, the caseworker shall send a confirmation letter to the parents. Caseworkers shall document in the case file all attempts to include parents in the family meetings. Failure to attend family meetings shall also be documented in the case file.

a) Initial Family Meeting

1) The initial family meeting must occur in time to ensure submittal of the service plan to the juvenile court no later than 45 days ~~within--30-days~~ after the child's placement ~~the-temporary-custody hearing~~ and includes at a minimum:

A) the caseworker;

B) the child's custodial parents;

C) the non-custodial parent with the following conditions:

i) the non-custodial parent intends to seek custody of the child; and

ii) there is no danger of violence between the parents; and

iii) no confidential information concerning the custodial parent, such as mental health information, may be shared with the non-custodial parent, unless the custodial parent consents in writing to the sharing of such information as provided in 89 Ill. Adm. Code 431



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(Confidentiality of Personal Information of Persons Served by the Department of Children and Family Services). If the custodial parent does not consent to the release of confidential information, the meeting shall be conducted in segments, with the non-custodial parent excluded from any discussion that includes the information about the custodial parent that is confidential;

D) the casework supervisor.

2) In addition, at the supervisor's discretion and with the signed consent of the parent, the following may be invited:

A) appropriate extended family members including non-custodial parents who are not interested in seeking custody;

B) foster parents and relative caregivers (see subsections (f), (g), (h) and (i) ~~below~~);

C) service providers; and

D) the child, if emotionally and developmentally appropriate.

c) Purpose of Initial Family Meeting

The purposes of the initial family meeting, to be conducted by the casework supervisor, are to:

1) share information among all participants;

2) review the initial and comprehensive assessments;

3) discuss and prepare the initial service plan; and

4) determine the permanency goal.

d) Ongoing Family Meetings

1) Following the initial family meeting, family meetings will be conducted on a flexible schedule, but no less than on a quarterly basis (at least four times a year approximately three months apart). The ongoing family meeting shall include at a minimum:

A) the caseworker;

B) the child's custodial parents;

C) the non-custodial parent with the same conditions as specified in subsection (a)(1)(C) ~~above~~;

D) the casework supervisor at the supervisor's discretion. However, the supervisor must attend if the non-custodial parent will be attending the meeting;

2) In addition, at the supervisor's discretion and with the signed consent of the parent, the following may be invited:

A) appropriate extended family members, including non-custodial parents who are not interested in seeking custody;

B) foster parents and relative caregivers (see subsections (f), (g), (h) and (i) ~~below~~);

C) service providers; and

D) the child, if emotionally and developmentally appropriate.

e) Purposes of Ongoing Family Meetings

The purposes of the ongoing family meetings are to:

1) assure disclosure of the expectations of all parties;

2) assess reasonable efforts on behalf of the Department or the

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purchase of service agency;
3) assess reasonable progress on behalf of the family;
4) assess whether the plan is serving the health, safety, and best interests of the child;
5) provide support for decisionmaking that recognizes the child's sense of time, including whether the permanency goal and time frames for achieving the goal should be continued, and whether services and service providers are effective;
6) share information among the participants;
7) evaluate whether the identified behaviors and conditions are being addressed and whether the parents are engaged in the change process;
8) engage in planning that involves addressing the needs of the child with appropriate services and establishing realistic time frames for achievement of tasks and goals; and
9) review clinical material by various service providers. Clinical reports should be obtained and collateral contacts completed prior to the staffing. Professionals should have discussed findings and recommendations with the client/family prior to the meeting to promote open and honest discussion.

f) Prior to inviting foster parents/relative caregivers to the initial family meeting, the caseworker must consider the statutory requirement that protects foster parents'/relative caregivers' names, addresses and telephone numbers from disclosure. Such information regarding the foster parents/relative caregivers shall not be disclosed to the child's parents at the initial family meeting that occurs in time to ensure submittal of the service plan to the juvenile court no later than 45 days ~~within-the-first-30-days~~ after placement ~~the-temporary custody-hearing~~.

g) In deciding whether to invite the foster parents/relative caregivers to the meeting, the caseworker shall take into consideration the level of violence or tendency toward violence displayed by the child's parents. This shall be assessed ~~during--the--first--30--days~~ as the caseworker is conducting the comprehensive assessment in accordance with Section 315.100. The caseworker shall use information from:
   1) Department safety and risk assessments;
   2) the social history, including information such as the parents arrest history, history of domestic violence, and court records; and
   3) the caseworker's own observations.

h) Information concerning the level or tendency toward violence of the parents may be shared with the foster parents/relative caregivers to help them decide whether to attend the initial family meeting. In no event shall the address and telephone number of the foster parents/relative caregivers be disclosed at the initial family meeting.

i) For all subsequent family meetings the same violence factor shall be considered when determining whether the foster parent/relative caregiver should attend and whether there is any danger to the foster parent/relative caregiver by attending the family meeting.



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j) The participants in the family meeting will attempt to reach decisions and agree on recommendations by consensus. If a consensus cannot be reached, the final decision rests with the supervisor on all meetings.

k) Documentation of the meeting and report of the recommendations/decisions is to be made and included in the case record.

l) Parents have the right to appeal decisions with which they disagree in accordance with 89 Ill. Adm. Code 337 (Service Appeal Process).

(Source: Amended at 26 Ill. Reg. _____, effective _____)

**Section 315.130 Developing the Service Plan**

Based on the information gathered during the assessment process described in Section 315.100 and through negotiation during the caseworker's contacts, visits, and at the initial family meeting, the caseworker and family shall develop a plan of intervention that is based on the family's strengths and needs and that addresses how the children's needs for health and safety will be met.

a) Purpose of the Service Plan
   The service plan is a written plan that is established between the Department and the children and family served, and any involved service providers. The purpose of the service plan is to:
   1) formulate goals for the child based on the child's needs for health, safety, and well-being that were identified during the assessment process;
   2) identify what actions the family, the caseworker, caregiver, and others will take to meet the needs of the child and achieve permanency;
   3) identify what additional interventions and services will be provided to the family, the caregiver, and the child in order to meet the child's needs and achieve permanency.

b) State and Federal Requirement
   Service plans are required by State [20 ILCS 505/6a] and Federal law (42 USCA 675) regardless of whether the child and family are served directly by the Department or through purchase of service providers. The service plan must ensure that the health and safety of the child are the paramount concerns that guide all service, placement, and planning provisions.

c) Time Frames
   The initial service plan shall be completed and forwarded to the juvenile court no later than 45 days ~~within-30--days~~ after placement ~~case--opening~~ and must be reviewed at least once every six months thereafter. The service plan shall be changed and updated as the child and family's situation changes and shall be reviewed regularly

as specified in Section 315.150 (Revising the Service Plan).

d) Contents of the Service Plan

Service plans shall contain the following information:

1) the names of the children for whom the Department is legally responsible or to whom the Department is providing services;

2) the health and safety factors that have resulted in placement of the children away from the family home and an identification of any problems that are causing continued placement of the children away from the home;

3) what outcomes would be considered a resolution to these problems and the strengths the family possesses to achieve these outcomes;

4) the reasons for the out of home placement and the reason why the child has been put in his or her current placement, the resources or other support that will be necessary to maintain the placement, and, where a residential placement has been deemed necessary, a description of how and when a plan for moving the child to the least restrictive, most homelike placement consistent with the child's best interest can be developed;

5) the services to be provided to the parents, for each child while in care, and the foster parents (if necessary when the child is placed in foster care) that may best resolve these problems;

6) the health care to be provided to the child and the mental health care to be provided to address the child's serious mental health needs as well as a description of the child's physical, developmental, educational or mental disability and any non-educational specialized services the child is receiving or should receive for each disability. If an Individual Treatment Plan (ITP) or Rehabilitative Services Plan exists for the child, it shall be attached to the service plan. To the extent available and accessible, the service plan shall incorporate the health records of the child, including:

A) the names and addresses of the child's health provider;

B) a record of the child's immunizations;

C) the child's known medical problems; and

D) the child's medications;

7) a description of the educational program/services the child is receiving or needs to receive (including information regarding Early Intervention, Head Start, or Pre-Kindergarten services for preschool children). If an Individualized Education Plan (IEP) or an Individualized Family Service Plan (IFSP) exists for a child, the IEP or IFSP shall be included in the record. To the extent available and accessible, the service plan shall incorporate the education records of the child, including:

A) the names and addresses of the child's educational providers;

B) the child's grade level performance; and

C) the child's school record;

8) who will provide the services, how often they will be provided,



and an explanation of why these services will meet the needs of the child;

9) if children placed out of the parents' home are placed a substantial distance (more than 150 miles) from the home of the parents or in a different state, the reasons why the placement is in the best interests of the children;

10) if children placed out of the parents' home are placed in a different state, a requirement that the child be visited periodically, but not less frequently than every 12 months, by a caseworker of the Department or of the state in which the child has been placed, and that the caseworker submit a report on the visit to the Department;

11) if siblings are placed apart from one another, the reasons why they are placed apart and what efforts are being made to find a joint placement for the sibling group;

12) the permanency goal for each child and the reason for selecting the goal;

13) in the case of child for whom the permanency plan is adoption or other permanent living arrangement, documentation of the steps the Department is taking to find and adoptive family or other permanent living arrangement;

14) in the case of a child for whom the permanency plan is independence, a written description of the programs and services which will help such a child prepare for the transition from foster care to independent living;

15) the responsibilities of the family and the child (when appropriate) in fulfilling the service plan;

16) the responsibilities of the Department and purchase of service providers, if any, to assist the family in fulfilling the service plan;

17) when children and families are separated, the parent-child and/or sibling visitation plan developed with the family in accordance with 89 Ill. Adm. Code 301 (Placement and Visitation Services), if visitation is not prohibited by court order. This plan shall include the time and place of visits, the frequency of visits, the length of visits, and who shall be present at the visits;

18) whether the name, address, and telephone number of the foster parent/relative caregiver may be released to the parent as determined by the assessment conducted in accordance with Section 315.100(b)(3);

19) the time frames for achieving the permanency goal and the objectives to resolve identified problems and the specification of any consequences to the child and family if the time frames are not met;

20) a statement that the parents or children may disagree with the service plan and that they may have their disagreement recorded; and

21) an explanation of how parents or children may request an appeal

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and fair hearing.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

**Section 315.140 Distributing the Service Plan**

Copies of the service plan shall be distributed in accordance with the Department's rules on confidentiality (89 Ill. Adm. Code 431, Confidentiality of Personal Information of Persons Served by the Department) to:

a) the parents (unless parental rights have been terminated or the Department has filed a petition seeking the termination of parental rights);
b) the putative father, if he is participating in planning for the child;
c) the involved purchase of service providers, including the foster parents or relative home caretakers. Foster parents or relative home caretakers will receive copies of the child's portion of the service plan. Foster parents may be able to receive other portions of the service plan involving the child's family provided that the information being presented is essential for understanding the needs of and providing care to the child and the child's family acknowledges a positive relationship with the foster parents and gives consent in accordance with the consent provisions of 89 Ill. Adm. Code 431 (Confidentiality of Personal Information of Persons Served by the Department);
d) the child, if participating in the planning process;
e) appropriate Department staff;
f) the guardian ad litem and legal representative of the child; and
g) the Juvenile Court and all parties when the court has jurisdiction. The initial service plan must be submitted to the court no later than ~~within~~ 45 days after a child's placement as required by Section 2-10 of the Juvenile Court Act of 1987 [705 ILCS 405/2-10]. In addition, the most current revised service plan prepared within the prior six months must be submitted to the court and all parties at least 14 days in advance of the next permanency hearing, as required by the Juvenile Court Act of 1987 [705 ILCS 405/2-28.1].

(Source: Amended at 26 Ill. Reg. _____, effective _____)

SUBPART C: SELECTING THE PERMANENCY GOAL

**Section 315.200 Selection of the Permanency Goal**

a) Types of Permanency Goals
A permanency goal is the desired outcome of intervention and service that is determined to be consistent with the health, safety, well-being and best interests of the child. A description and the



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criteria for selection of each of the goals are included in Sections 315.205 through 315.240. The goals that may be selected for children placed apart from their families are listed below followed in parentheses by the numerical code that is entered into the Department's Child and Youth Centered Information System (CYCIS):

1) return home within five months (21);
2) return home within 12 months (22);
3) return home pending status hearing (23);
4) substitute care pending court determination on termination of parental rights (24);
5) adoption, provided that parental rights have been terminated or relinquished (25);
6) guardianship (26);
7) independence (27); or
8) cannot be provided for in a home environment (28).

b) Process for Selection
1) During the first 12 months, prior to the first court permanency hearing, the Department or purchase of service agency selects the permanency goal. At the first permanency hearing the Department or purchase of service agency will recommend a permanency goal, but the court selects the goal.
2) An initial permanency goal will be established by the Department or purchase of service agency in time to ensure submittal of the service plan to the juvenile court no later than 45 days after the child's placement as required by Section 2-10 of the Juvenile Court Act of 1987 [705 ILCS 405/2-10] ~~no later than 30 days after the Department takes custody of a child~~, and only after:
A) an assessment has been completed with the family and reviewed and approved by the casework supervisor; and
B) the initial family meeting has been held.

c) Changing the Permanency Goal
A permanency goal may only be changed:
1) within the first 12 months following case opening by the caseworker with the approval of the supervisor; or
2) within the first 12 months following case opening at an administrative case review or a decision review; or
3) when selected by the court at the permanency hearing pursuant to Section 2-28 of the Juvenile Court Act of 1987 [705 ILCS 405/2-28]. A permanency goal selected by the court cannot be changed without the approval of the court.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

**Section 315.235 Independence**

a) Description
The minor over age 15 ~~12~~ will be in substitute care pending

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independence.

b) Criteria for Selection
Independence may be selected as the permanency goal for a minor 16 ~~13~~ years or older:

1) provided that:
   A) goals of return home, adoption, and guardianship have been ruled out; and
   B) either an assessment has been made and the child has demonstrated the ability, capability, and willingness to care for him or herself, has become economically self-sufficient and/or is establishing a family of his or her own; or
2) provided that:
   A) an assessment has been made that a child who has a physical or mental disability demonstrates the ability, capability and willingness to care for themselves with proper support; and
   B) the child demonstrates the ability to achieve and maintain progress towards independence through continued cooperation with the service plan; or
3) provided that the goal of independence has been ordered by the court.

(Source: Amended at 26 Ill. Reg. _____, effective _____)



DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Retailers' Occupation Tax

2) Code Citation: 86 Ill. Adm. Code 130

3)

| Section Numbers: | Proposed Action: |
|---|---|
| 130.310 | Amendment |

4) Statutory Authority: 35 ILCS 120

5) A Complete Description of the Subjects and Issues Involved: This rulemaking adds provisions to clarify the types of items that qualify for the low rate of tax applicable to medicines and drugs. In order to qualify for the low rate of tax, a medicine or drug must purport on the label to have "medicinal qualities." This rulemaking provides numerous examples of product claims that demonstrate a "medicinal quality," as well as claims that do not demonstrate a "medicinal quality." This rulemaking also clarifies the tax treatment of a kit that includes both medicinal and non-medicinal items.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? Yes

| Section Numbers | Proposed Action | Illinois Register Citation |
|---|---|---|
| 130.2013 | New Section | 09/14/01, 25 Ill. Reg. 11759 |
| 130.445 | Amendment | 09/21/01, 25 Ill. Reg. 12065 |
| 130.2011 | Amendment | 09/28/01, 25 Ill. Reg. 12399 |
| 130.2012 | Amendment | 09/28/01, 25 Ill. Reg. 12399 |
| 130.120 | Amendment | 11/02/01, 25 Ill. Reg. 14070 |
| 130.325 | Amendment | 11/02/01, 25 Ill. Reg. 14070 |
| 130.330 | Amendment | 11/02/01, 25 Ill. Reg. 14070 |
| 130.332 | Amendment | 11/02/01, 25 Ill. Reg. 14070 |
| 130.1701 | Amendment | 11/02/01, 25 Ill. Reg. 14070 |
| 130.2004 | Amendment | 11/02/01, 25 Ill. Reg. 14070 |
| 130.2135 | Amendment | 11/02/01, 25 Ill. Reg. 14070 |
| 130.535 | Amendment | 11/16/01, 25 Ill. Reg. 14780 |
| 130.1951 | Amendment | 11/16/01, 25 Ill. Reg. 14780 |
| 130.331 | Amendment | 11/26/01, 25 Ill. Reg. 15230 |

10) Statement of Statewide Policy Objectives: This rulemaking does not create a State Mandate, nor does it modify any existing State Mandates.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed

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rule may submit them in writing by no later than 45 days after publication of this notice to:

Karl Betz
Associate Counsel
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794
(217) 782-6996

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Retailers

B) Reporting, bookkeeping or other procedures required for compliance: Minimal

C) Types of professional skills necessary for compliance: Accounting or bookkeeping

13) Regulatory Agenda on which this rulemaking was summarized: July 2001

The full text of the Proposed Amendments begins on the next page:



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TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE

PART 130
RETAILERS' OCCUPATION TAX

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130.105 Responsibility of Trustees, Receivers, Executors or Administrators
130.110 Occasional Sales
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130.315 Fuel Sold for Use in Vessels on Rivers Bordering Illinois
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130.331 Manufacturer's Purchase Credit
130.332 Automatic Vending Machines that Dispense Hot Food or Beverages
130.335 Pollution Control Facilities
130.340 Rolling Stock
130.345 Oil Field Exploration, Drilling and Production Equipment
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130.430 Deposit or Prepayment on Purchase Price
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130.440 Penalties
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130.450 Installation, Alteration and Special Service Charges
130.455 Motor Vehicle Leasing and Trade-In Allowances

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130.501 Monthly Tax Returns--When Due--Contents
130.502 Quarterly Tax Returns
130.505 Returns and How to Prepare
130.510 Annual Tax Returns
130.515 First Return
130.520 Final Returns When Business is Discontinued
130.525 Who May Sign Returns
130.530 Returns Covering More Than One Location Under Same Registration--Separate Returns for Separately Registered Locations
130.535 Payment of the Tax, Including Quarter Monthly Payments in Certain Instances
130.540 Returns on a Transaction by Transaction Basis
130.545 Registrants Must File a Return for Every Return Period
130.550 Filing of Returns for Retailers by Suppliers Under Certain Circumstances
130.551 Prepayment of Retailers' Occupation Tax on Motor Fuel
130.555 Vending Machine Information Returns
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SUBPART F: INTERSTATE COMMERCE

Section
130.601 Preliminary Comments
130.605 Sales of Property Originating in Illinois
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130.705 Procedure in Disputed Cases Involving Financial Responsibility Requirements
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SUBPART J: BINDING OPINIONS

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130.1910 Antiques, Curios, Art Work, Collectors' Coins, Collectors' Postage Stamps and Like Articles
130.1915 Auctioneers and Agents
130.1920 Barbers and Beauty Shop Operators
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130.1975 Operators of Games of Chance and Their Suppliers
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130.1990 Peddlers, Hawkers and Itinerant Vendors
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130.2000 Persons Engaged in the Printing, Graphic Arts or Related Occupations, and Their Suppliers
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130.2050 Sales and Gifts By Employers to Employees
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130.2120 Suppliers of Persons Engaged in Service Occupations and Professions
130.2125 Trading Stamps and Discount Coupons
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130.2170 Warehousemen

ILLUSTRATION A Examples of Tax Exemption Cards

AUTHORITY: Implementing the Illinois Retailers' Occupation Tax Act [35 ILCS 120] and authorized by Section 2505-25 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-25].

SOURCE: Adopted July 1, 1933; amended at 2 Ill. Reg. 50, p. 71, effective December 10, 1978; amended at 3 Ill. Reg. 12, p. 4, effective March 19, 1979; amended at 3 Ill. Reg. 13, pp. 93 and 95, effective March 25, 1979; amended at 3 Ill. Reg. 23, p. 164, effective June 3, 1979; amended at 3 Ill. Reg. 25, p. 229, effective June 17, 1979; amended at 3 Ill. Reg. 44, p. 193, effective



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October 19, 1979; amended at 3 Ill. Reg. 46, p. 52, effective November 2, 1979; amended at 4 Ill. Reg. 24, pp. 520, 539, 564 and 571, effective June 1, 1980; amended at 5 Ill. Reg. 818, effective January 2, 1981; amended at 5 Ill. Reg. 3014, effective March 11, 1981; amended at 5 Ill. Reg. 12782, effective November 2, 1981; amended at 6 Ill. Reg. 2860, effective March 3, 1982; amended at 6 Ill. Reg. 6780, effective May 24, 1982; codified at 6 Ill. Reg. 8229; recodified at 6 Ill. Reg. 8999; amended at 6 Ill. Reg. 15225, effective December 3, 1982; amended at 7 Ill. Reg. 7990, effective June 15, 1983; amended at 8 Ill. Reg. 5319, effective April 11, 1984; amended at 8 Ill. Reg. 19062, effective September 26, 1984; amended at 10 Ill. Reg. 1937, effective January 10, 1986; amended at 10 Ill. Reg. 12067, effective July 1, 1986; amended at 10 Ill. Reg. 19538, effective November 5, 1986; amended at 10 Ill. Reg. 19772, effective November 5, 1986; amended at 11 Ill. Reg. 4325, effective March 2, 1987; amended at 11 Ill. Reg. 6252, effective March 20, 1987; amended at 11 Ill. Reg. 18284, effective October 27, 1987; amended at 11 Ill. Reg. 18767, effective October 28, 1987; amended at 11 Ill. Reg. 19138, effective October 29, 1987; amended at 11 Ill. Reg. 19696, effective November 23, 1987; amended at 12 Ill. Reg. 5652, effective March 15, 1988; emergency amendment at 12 Ill. Reg. 14401, effective September 1, 1988, for a maximum of 150 days, modified in response to an objection of the Joint Committee on Administrative Rules at 12 Ill. Reg. 19531, effective November 4, 1988, not to exceed the 150 day time limit of the original rulemaking; emergency expired January 29, 1989; amended at 13 Ill. Reg. 11824, effective June 29, 1989; amended at 14 Ill. Reg. 241, effective December 21, 1989; amended at 14 Ill. Reg. 872, effective January 1, 1990; amended at 14 Ill. Reg. 15463, effective September 10, 1990; amended at 14 Ill. Reg. 16028, effective September 18, 1990; amended at 15 Ill. Reg. 6621, effective April 17, 1991; amended at 15 Ill. Reg. 13542, effective August 30, 1991; amended at 15 Ill. Reg. 15757, effective October 15, 1991; amended at 16 Ill. Reg. 1642, effective January 13, 1992; amended at 17 Ill. Reg. 860, effective January 11, 1993; amended at 17 Ill. Reg. 18142, effective October 4, 1993; amended at 17 Ill. Reg. 19651, effective November 2, 1993; amended at 18 Ill. Reg. 1537, effective January 13, 1994; amended at 18 Ill. Reg. 16866, effective November 7, 1994; amended at 19 Ill. Reg. 13446, effective September 12, 1995; amended at 19 Ill. Reg. 13568, effective September 11, 1995; amended at 19 Ill. Reg. 13968, effective September 18, 1995; amended at 20 Ill. Reg. 4428, effective March 4, 1996; amended at 20 Ill. Reg. 5366, effective March 26, 1996; amended at 20 Ill. Reg. 6991, effective May 7, 1996; amended at 20 Ill. Reg. 9116, effective July 2, 1996; amended at 20 Ill. Reg. 15753, effective December 2, 1996; expedited correction at 21 Ill. Reg. 4052, effective December 2, 1996; amended at 20 Ill. Reg. 16200, effective December 16, 1996; amended at 21 Ill. Reg. 12211, effective August 26, 1997; amended at 22 Ill. Reg. 3097, effective January 27, 1998; amended at 22 Ill. Reg. 11874, effective June 29, 1998; amended at 22 Ill. Reg. 19919, effective October 28, 1998; amended at 22 Ill. Reg. 21642, effective November 25, 1998; amended at 23 Ill. Reg. 9526, effective July 29, 1999; amended at 23 Ill. Reg. 9898, effective August 9, 1999; amended at 24 Ill. Reg. 10713, effective July 7, 2000; emergency amendment at 24 Ill. Reg. 11313, effective July 12, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15104, effective October 2, 2000;

amended at 24 Ill. Reg. 18376, effective December 1, 2000; amended at 25 Ill. Reg. 941, effective January 8, 2001; emergency amendment at 25 Ill. Reg. 1792, effective January 16, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 4674, effective March 15, 2001; amended at 25 Ill. Reg. 4950, effective March 19, 2001; amended at 25 Ill. Reg. 5398, effective April 2, 2001; amended at 25 Ill. Reg. 6515, effective May 3, 2001; expedited correction at 25 Ill. Reg. 15681, effective May 3, 2001; amended at 25 Ill. Reg. 6713, effective May 9, 2001; amended at 25 Ill. Reg. 7264, effective May 25, 2001; amended at 25 Ill. Reg. 10917, effective August 13, 2001; amended at 25 Ill. Reg. 12841, effective October 1, 2001; amended at 26 Ill. Reg. _____, effective _____.

SUBPART C: CERTAIN STATUTORY EXEMPTIONS

**Section 130.310 Food, Drugs, Medicines and Medical Appliances**

a) General. *With respect to food for human consumption which is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food which has been prepared for immediate consumption), and prescription and non-prescription medicines, drugs, medical appliances, modifications to a motor vehicle for the purpose of rendering it usable by a disabled person, and insulin, urine testing utensils, syringes, and needles used by diabetics, for human use, the tax is imposed at the rate of 1%.* (Section 2-10 of the Act)

b) Food

1) A food is any solid, liquid, powder or item intended by the seller primarily for human internal consumption, whether simple, compound or mixed, including foods such as condiments, spices, seasonings, vitamins, bottled water and ice.

2) Gross receipts from sales of food for which facilities are provided so that it can be consumed on the premises where it is sold and gross receipts from sales of food which has been prepared for immediate consumption do not qualify for the reduced rate. For example:

A) gross receipts from sales of food and drinks by restaurants, coffee shops, cafeterias and other establishments selling food which has been prepared for immediate consumption or which provide facilities for on-premises consumption are subject to the full rate of tax.

B) concession stands, snack shops and other establishments which sell food items primarily (more than 50%) in individual sized servings (such as ice cream cones, bags of popcorn, and individually served sandwiches) make sales of food for immediate consumption.

C) sales of all hot food and hot food products are sales of food for immediate consumption.

3) Delicatessens, markets, dairies and bakeries and other establishments which sell food items primarily (more than 50%) in



quantities greater than individual sized servings incur the reduced rate on gross receipts from retail sales of food items. However, the full rate will apply to all sales made by such establishments which provide facilities for the consumption of food on premises unless those facilities utilize a separate means of recording and accounting for collection of receipts from such sales for consumption on the premises and are physically partitioned from areas in which food not for immediate consumption is sold. The phrase "separate means of recording and accounting for collection of receipts" includes cash registers which separately identify high rate and low rate sales, separate cash registers, and other methods by which the tax on high rate and low rate sales are recorded at the time of collection.

4) The reduced rate does not extend to alcoholic beverages. An alcoholic beverage is any beverage subject to the tax imposed under Article VIII of the Liquor Control Act of 1934 [235 ILCS 5/Art. VIII].

5) The reduced rate does not extend to soft drinks. Soft drinks will be taxed at the State sales tax rate of 6.25%. *The term "soft drinks" means any complete, finished, ready-to-use, non-alcoholic drink, whether carbonated or not, including but not limited to soda water, cola, fruit juice, vegetable juice, carbonated water, and all other preparations commonly known as soft drinks of whatever kind or description that are contained in any closed or sealed bottle, can, carton, or container regardless of size. "Soft drinks" does not include coffee, tea, non-carbonated water, infant formula, milk or milk products as defined in Section 3(a)(2) and (4) of the Grade A Pasteurized Milk and Milk Products Act* [410 ILCS 635], *or drinks containing 50% or more natural fruit or vegetable juice.* (Section 2-10 of the Act) Frozen concentrated fruit juice, dry powdered drink mixes, and fruit juices which are reconstituted to natural strength are not soft drinks.

6) Food prepared for immediate consumption means food made ready by the retailer to be eaten without substantial delay after the final stage of preparation by the retailer. Retailers who sell food which they do not prepare in any way, are not selling food for immediate consumption, i.e., pre-packaged candy bars, snacks, chips, ice cream, unless that food is to be consumed on the retailer's premises. It is presumed that retailers who sell food prepared for immediate consumption in individual single-sized servings will sell all such items for consumption without substantive delay. Thus, for example, a retailer of individual sandwiches, doughnuts or cookies prepared in the morning will be subject to the high rate of tax regardless of when during a business day such items are sold and actually consumed. "Premises" are that area over which the vendor exercises control, whether by lease, contract, license or otherwise, and, in

addition, the area in which facilities for eating are provided, including areas designated for, or devoted to, use in conjunction with the business engaged in by the vendor. Thus, all food sold by a restaurant for consumption on premises, whether prepared for immediate consumption or not, is subject to the high rate. Vendor premises would include eating areas provided by employers for employees, common or shared eating areas in shopping centers or public buildings if customers of food vendors adjacent to such areas are permitted to use them for consumption of food products. It will be presumed that food sold by vendors with on-premises consumption facilities will, in fact, be consumed on premises unless the vendor presents evidence to the contrary from its books and records.

7) For purposes of this Section, effective June 1, 1996, *food for human consumption that is to be consumed off the premises where it is sold* (Section 2-10 of the Act) includes all food sold through a vending machine, except soft drinks and food products that are dispensed hot from a vending machine, regardless of the location of the vending machine. For example, a candy bar sold through a vending machine is subject to the low rate of tax regardless of whether on-premises facilities for consumption are provided at that location.

c) Medicines and Medical Appliances

1) A medicine or drug is any pill, powder, potion, salve, or other preparation intended by the manufacturer for human use and which purports on the label to have medicinal qualities.

1) A medicine or drug is any pill, powder, potion, salve, or other preparation intended by the manufacturer for human use and which purports on the label to have medicinal qualities.

A) Examples of medicinal claims that will qualify the product for the low rate of tax include:

i) "medicated";
ii) "heals (a medical condition)";
iii "cures (a medical condition)";
iv) "for relief (of a medical condition)";
v) "fights infection";
vi "stops pain";
vii) "relief from poison ivy or poison oak";
viii) "relieves itching, cracking, burning";
ix) "a soaking aid for sprains and bruises";
x) "relieves muscular aches and pains";
xi) "cures athlete's foot";
xii) "relieves skin irritation, chafing, heat rash and diaper rash";
xiii) "relief from the pain of sunburn".

B) The use of the terms "antiseptic," "antibacterial" or "kills germs" may or may not constitute a medicinal claim.

i) The use of these terms in conjunction with a claim



that the product kills germs in general does not constitute a medicinal claim.

ii) However, a claim that a product is for use as an antiseptic to kill germs to prevent infection in cuts, scrapes, abrasions and burns does constitute a medicinal claim.

C) The use of the term "soothes" may or may not constitute a medicinal claim.

i) If a product makes a claim that it "soothes pain", then it would be a medicinal claim and the product would qualify for the exemption.

ii) A product that makes a claim that it "soothes sore or tired feet" is not making a medicinal claim.

D) Claims that do not constitute medicinal claims include:

i) "cools";
ii) "absorbs wetness that can breed fungus";
iii) "deodorant, or destroys odors";
iv) "moisturizes";
v) "freshens breath";
vi) "anti-perspirant";
vii "sunscreen";
viii) "prevents";
ix "protects".

E) All lip balms qualify for the reduced rate of tax because the word "balm" is defined as a healing ointment or a preparation that relieves pain.

2) A medical appliance is an item which is intended by its manufacturer for use in directly substituting for a malfunctioning part of the body. Such items may be prescribed by licensed health care professionals for use by a patient, purchased by health care professionals for the use of patients, or purchased directly by individuals. Purchases of medical appliances by lessors which will be leased to others for human use also qualify for the exemption. Included in the exemption as medical appliances are such items as artificial limbs, dental prostheses and orthodontic braces, crutches and orthopedic braces, wheelchairs, heart pacemakers, and dialysis machines (including the dialyzer). Corrective medical appliances such as hearing aids, eyeglasses and contact lenses qualify for exemption. Diagnostic equipment shall not be deemed to be a medical appliance, except as provided in Section 130.310(d). Other medical tools, devices and equipment such as x-ray machines, laboratory equipment, and surgical instruments which may be used in the treatment of patients but, which do not directly substitute for a malfunctioning part of the human body do not qualify as exempt medical appliances. Sometimes a kit of items is sold where the purchaser will use the kit items to perform treatment upon himself or herself. The kit will contain

paraphernalia and sometimes medicines. An example is a kit sold for the removal of ear wax. Because the paraphernalia hardware is for treatment it generally does not qualify as a medical appliance. However, the department will consider the selling price of the entire kit to be taxable at the reduced rate when the value of the medicines in the kit is more than half of the total selling price of the kit.

3) Supplies, such as non-sterile cotton swabs, disposable diapers, toilet paper, tissues and towelettes and cosmetics, such as lipsticks, perfume and hair tonics do not qualify for the reduced rate. Sterile dressings, bandages and gauze do qualify for the reduced rate. Diapers for incontinent adults, as well as undergarments for incontinent adults, qualify for the low rate of tax.

d) *Insulin, urine testing materials, syringes, and needles used in treating diabetes in human beings qualify for the reduced rate of tax.* (Section 2-10 of the Act)

e) Modifications Made to a Motor Vehicle for the Purpose of Rendering it Usable by a Disabled Person

1) Effective August 17, 1995, *modifications made to a motor vehicle,* as defined in Section 1-146 of the Illinois Vehicle Code [625 ILCS 5/1-146], *for the purpose of rendering it usable by a disabled person,* qualify for the reduced rate of tax (Section 2-10 of the Act). The low rate applies to modifications which enable a disabled person to drive a vehicle, or which assist in the transportation of disabled persons. Examples of such modifications include, but are not limited to, special steering, braking, shifting, or acceleration equipment, or equipment which modifies the vehicle for accessibility, such as a chair lift.

2) For purposes of this regulation, the term "disabled person" has the same meaning as a "person with disabilities" in Section 1-159.1 of the Illinois Vehicle Code [625 ILCS 5/1-159.1].

f) Reporting

1) The retailer must keep an actual record of all sales and must report tax at the applicable rates, based on sales as reflected in his records. Books and records must be maintained in sufficient detail so that all receipts reported with respect to food, drugs, medicines and medical appliances can be supported. The determination of the percentage of sales of food items sold in individual-sized servings referred to in subsections (b)(2)(B) and (b)(3) above, will be made by comparing the dollar amounts of the gross receipts of the two categories of foods. The determination shall be based upon a period which will generally reflect the true character of overall sales rather than isolated or seasonal variations.

2) If a retailer finds it difficult to maintain detailed records of receipts from sales of food, drugs, medicines and medical appliances at the reduced rate, as well as detailed records of



receipts from all other sales of tangible personal property at the full rate, he may request the use of a formula. Such requests must be made to the Department in writing and must state the reasons that a formula method is necessary and outline the proposed formula in detail. Included in the request must be a description of how the method can be audited by the Department. Upon findings that the formula can be audited and will produce results that will reasonably approximate the actual taxable receipts in each category, the Department may issue its approval for use of such formula. If approval is granted, the Department reserves the right to withdraw approval or require a change in procedure at any time.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Automobile Renting Occupation Tax

2) Code Citation: 86 Ill. Adm. Code 180

3) Section Numbers: 180.101 — Proposed Action: Amendment

4) Statutory Authority: 35 ILCS 155

5) A Complete Description of the Subjects and Issues Involved: This regulation has been promulgated to assist taxpayers in identifying the types of motor vehicles subject to taxation under the Automobile Renting Occupation Tax Act ("Act"). The Act provides that the tax is imposed upon persons in the business of renting "automobiles" under lease terms of one year or less. The term, "automobile" is defined in Section 2 of the Act as "any motor vehicle of the first division, a motor vehicle of the second division which is a self-contained motor vehicle designed or permanently converted to provide living quarters for recreational, camping or travel use, with direct walk-through access to the living quarters from the driver's seat, or a motor vehicle of the second division which is of the van configuration designed for the transportation of not less than 7 nor more than 16 passengers, as defined in Section 1-146 of the Illinois Vehicle Code. The regulations contain the statutory definition of a motor vehicle and of both first and second division motor vehicles found in the Illinois Vehicle Code, and provide examples of vehicles within the latter two categories. The regulation specifically provides that pick-up trucks are considered second division vehicles, and are not the type of second division vehicle subject to tax under the Act. The regulation also addresses taxation of Sport Utility Vehicles ("SUVs") under the Act. It provides that since an SUV can be registered as either a First Division or Second Division vehicle, the manner in which a taxpayer registers the SUV will determine its tax treatment. The regulation adds that lessors renting vehicles that are not subject to tax under the Act incur a Use Tax liability "up front" on the cost price of the motor vehicles (rather than tax on the rental stream). It is important to note that the provisions of this amendatory rulemaking will be given prospective application only, i.e., they will take effect only upon adoption. This determination was made in light of the lack of regulatory guidance provided to taxpayers in this area.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part: No



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10) Statement of Statewide Policy Objectives: This rulemaking does not impose a state mandate.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rule may submit them in writing by no later than 45 days after publication of this notice to:

Jerilynn T. Gorden
Senior Counsel
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794
(217) 782-2844

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Short-term automobile rentors; rentors of pick-up trucks

B) Reporting, bookkeeping or other procedures required for compliance: Bookkeeping

C) Types of professional skills necessary for compliance: Bookkeeping

13) Regulatory Agenda on which this rulemaking was summarized: July 2001

The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE

PART 180
AUTOMOBILE RENTING OCCUPATION TAX

SUBPART A: NATURE OF THE TAX

Section
180.101 Character And Rate Of The Tax
180.105 Responsibility Of Trustees, Receivers, Executors Or Administrators
180.110 Occasional Rental Transactions
180.115 Habitual Rental Transactions

SUBPART B: GROSS RECEIPTS, AUTHORIZED DEDUCTIONS AND NONTAXABLE TRANSACTIONS

Section
180.120 The Meaning of Gross Receipts
180.125 Authorized Deductions from Gross Receipts
180.130 Nontaxable Transactions
180.135 Rentals for Re-rental

SUBPART C: RETURNS

Section
180.140 Monthly Tax Returns--When Due--Contents

SUBPART D: INCORPORATION BY REFERENCE

Section
180.145 Incorporation of Certain Retailers' Occupation Tax Regulations

AUTHORITY: Implementing the Automobile Renting Occupation and Use Tax Act [35 ILCS 155] and authorized by Section 2505-25 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-25]

SOURCE: Adopted and codified at 7 Ill. Reg. 9397, effective July 25, 1983; amended at 13 Ill. Reg. 9332, effective June 6, 1989; amended at 16 Ill. Reg. 4859, effective March 12, 1992; amended at 24 Ill. Reg. 12063, effective July 28, 2000; amended at 25 Ill. Reg. 8323, effective June 22, 2001; amended at 26 Ill. Reg. _____, effective _____.

SUBPART A: NATURE OF THE TAX

**Section 180.101 Character And Rate Of The Tax**

a) The Automobile Renting Occupation and Use Tax Act [35 ILCS 155] ~~(Ill. Rev. Stat. 1991, ch. 120, pars. 1701 et seq.)~~ (the Act) *imposes a tax upon persons engaged in this State in the business of renting automobiles in Illinois under lease terms of one year or less at the rate of 5% of the gross receipts from such business.* (Section 3 of the Act)



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b) *"Automobile" means any motor vehicle of the first division, a motor vehicle of the second division which is a self-contained motor vehicle designed or permanently converted to provide living quarters for recreational, camping or travel use, with direct walk through access to the living quarters from the driver's seat, or a motor vehicle of the second division which is of the van configuration designed for the transportation of not less than 7 nor more than 16 passengers, as defined in Section 1-146 of "The Illinois Vehicle Code."* [625 ILCS 5/1-146]. ~~(Ill. Rev. Stat. 1991, ch. 95 1/2, par. 1-146)~~ (Section 2 of the Act) This includes motorcycles and motor driven cycles.

1) Under Section 1-146 of the Illinois Vehicle Code, a motor vehicle is defined as *every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails, except for vehicles moved solely by human power and motorized wheelchairs.* [625 ILCS 5/1-146]

2) Under Section 1-146 of the Illinois Vehicle Code, motor vehicles are classified as either first or second division motor vehicles. The manner in which a vehicle is classified generally reflects the purpose for which it is primarily used. As a result of this classification, a motor vehicle will be registered as either a first or second division vehicle, and will receive a plate reflecting such registration. The following examples are illustrative:

A) Under Section 1-146 of the Illinois Vehicle Code, first division motor vehicles are defined as *motor vehicles which are designed for carrying not more than 10 persons.* [625 ILCS 5/1-146] Under Section 2 of the Act, all motor vehicles registered with the Secretary of State as first division motor vehicles qualify as automobiles subject to tax under the Act. Consequently, passenger cars and motorcycles are "automobiles" subject to tax under the Act.

B) Second division motor vehicles generally include motor vehicles serving purposes other than or in addition to serving as passenger cars. Second division vehicles include *motor vehicles designed for pulling or carrying freight, cargo or implements of husbandry; motor vehicles designed for carrying more than 10 persons; motor vehicles designed or used for living quarters; and motor vehicles of the first division remodeled for use and used as motor vehicles of the second division.* [625 ILCS 5/1-146] A pick-up truck is a second division vehicle because it is designed for pulling or carrying freight. Section 2 of the Act provides that the

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only types of second division vehicles subject to tax include:

i) self-contained motor vehicles designed or permanently converted to provide living quarters for recreational, camping or travel use, with direct walk through access to the living quarters from the driver's seat; and

ii) motor vehicles which are of the van configuration designed for the transportation of not less than 7 nor more than 16 passengers.

Pick-up trucks are not subject to tax under the Act because they are not one of the types of second division motor vehicles specified as automobiles under the terms of the Act.

C) Multipurpose passenger vehicles, commonly referred to as "sport utility vehicles (SUVs)", may be registered as either first or second division motor vehicles. If an SUV is registered as a first division motor vehicle, it is an automobile subject to tax under the Act. If an SUV is registered as a second division motor vehicle, it is not an automobile subject to tax under the Act because it is not one of the types of second division motor vehicles specified as automobiles under the terms of the Act.

3) Persons who lease motor vehicles that are not subject to tax under the Act generally incur a Use Tax liability on the cost price of motor vehicles purchased for leasing purposes. For more information on the liability of lessors, see the provisions of 86 Ill. Adm. Code 130.220 and 130.2010.

c) How To Determine Effective Rate

Automobile Renting Occupation Tax liability shall be computed by applying to the gross receipts from taxable rental transactions, the tax rate in effect during the rentee's possession of the rented automobile. Where a rate change takes effect during a rentee's possession, all rental receipts received from that rentee after the effective date of the rate change are subject to the new rate. If a rentee takes possession after a rate change in a rental transaction in which the rentor received rental receipts before the date of the rate change and the tax was paid on such receipts when received by the rentor at the rate in effect when the rentor received those receipts, no additional tax will be due or credit allowed because the rentee took possession after the effective date of the rate change.

d) Effective Date of New Taxes

When something that has been exempted becomes taxable as to rental transactions that are made on and after some particular date, the date of rental for this purpose shall be deemed to be the date of possession or right to possession of the automobile. This is true even if such possession is taken under a contract that was entered into before the effective date of the new tax.

e) Relation of Automobile Renting Occupation Tax To The Automobile



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Renting Use Tax

1) The Automobile Renting Occupation Tax is an occupation tax, the legal incidence of which is on the rentor rather than on the rentee.

2) However, the rentor becomes a tax collector under the Automobile Renting Use Tax and is required to collect that tax from rentees. In making that collection, rentors may rely on the tax collection schedules prescribed in the Department's Use Tax Regulations for the collection of the Use Tax by retailers from users. Consequently, the tax collection schedules set out in 86 Ill. Adm. Code 150.Table A are incorporated by reference herein.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Services Delivered by the Department

2) Code Citation: 89 Ill. Adm. Code 302

3)

| Section Numbers: | Adopted Action: |
|---|---|
| 302.310 | Amend |
| 302.405 | Amend |

4) Statutory Authority: 20 ILCS 505; 750 ILCS 50

5) Effective Date of Rulemaking: December 15, 2001

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: July 6, 2001, 25 Ill. Reg. 8070

10) Has JCAR issued a Statement of Objection to these amendments? No

11) Differences between proposal and final version: No substantive changes were made.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this rulemaking replace an emergency rulemaking currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: In Section 302.310, the earliest age at which a child may qualify for adoption assistance has been reduced from three years of age to one year. In Section 302.405, the amount of time a child must be in the care of the Department in order to qualify for subsidized guardianship has been reduced from two years to one year. In both Sections, children under three years of age may be eligible for day care that is necessary due to the employment or training of their caregivers.

16) Information and questions regarding these adopted amendments shall be directed to:



DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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Jeff Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 East Monroe, Station #65
Springfield, Illinois 62701-1498
Telephone: (217) 524-1983
TTY: (217) 524-3715
FAX: (217) 557-0692
E-Mail address: cfpolicy@idcfs.state.il.us

The full text of the adopted amendments begins on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER a: SERVICE DELIVERY

PART 302
SERVICES DELIVERED BY THE DEPARTMENT

SUBPART A: GENERAL PROVISIONS

Section
302.10 Purpose
302.20 Definitions
302.30 Introduction
302.40 Department Service Goals
302.50 Functions in Support of Services

SUBPART B: REPORTS OF SUSPECTED CHILD ABUSE OR NEGLECT (RECODIFIED)

Section
302.100 Reporting Child Abuse or Neglect to the Department (Recodified)
302.110 Content of Child Abuse or Neglect Reports (Recodified)
302.120 Transmittal of Child Abuse or Neglect Reports (Recodified)
302.130 Special Types of Reports (Recodified)
302.140 Referrals to the Local Law Enforcement Agency and State's Attorney (Recodified)
302.150 Delegation of the Investigation (Recodified)
302.160 The Investigative Process (Recodified)
302.170 Taking Children Into Temporary Protective Custody (Recodified)
302.180 Notification of the Determination Whether Child Abuse or Neglect Occurred (Recodified)
302.190 Referral for Other Services (Recodified)

SUBPART C: DEPARTMENT CHILD WELFARE SERVICES

Section
302.300 Adoptive Placement Services (Repealed)
302.305 Adoption Listing Service for Hard-to-Place Children or Children with Disabilities for Whom the Department is Not Legally Responsible
302.310 Adoption Assistance Agreements
302.311 Nonrecurring Adoption Expenses (Repealed)
302.315 Adoption Registry (Repealed)
302.320 Counseling or Casework Services
302.330 Day Care Services
302.340 Emergency Caretaker Services
302.350 Family Planning Services
302.360 Health Care Services
302.370 Homemaker Services
302.380 Information and Referral Services



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302.390 Placement Services (Repealed)
302.400 Successor Guardianship (Repealed)
302.405 Subsidized Guardianship Program

SUBPART D: INTENSIVE FAMILY PRESERVATION SERVICES

Section
302.500 Purpose
302.510 Implementation of the Family Preservation Act
302.520 Types of Intensive Family Preservation Services
302.530 Phase In Plan for Statewide Family Preservation Services
302.540 Time Frames

APPENDIX A Acknowledgement of Mandated Reporter Status (Recodified)
APPENDIX B Calculating the Amount of Adoption Assistance (Repealed)

AUTHORITY: Implementing and authorized by the Children and Family Services Act [20 ILCS 505]; Section 3-6-2(g) of the Unified Code of Corrections [730 ILCS 5/3-6-2(g)]; the Illinois Alcoholism and Dangerous Drug Dependency Act [20 ILCS 305]; the Adoption Assistance and Child Welfare Act of 1980 (42 USCA 670 et seq.); 45 CFR 1356.40 and 1356.41; the Juvenile Court Act of 1987 [705 ILCS 405]; and the Adoption Act [750 ILCS 50].

SOURCE: Adopted and codified at 5 Ill. Reg. 13188, effective November 30, 1981; amended at 6 Ill. Reg. 15529, effective January 1, 1983; recodified at 8 Ill. Reg. 992; peremptory amendment at 8 Ill. Reg. 5373, effective April 12, 1984; amended at 8 Ill. Reg. 12143, effective July 9, 1984; amended at 9 Ill. Reg. 2467, effective March 1, 1985; amended at 9 Ill. Reg. 9104, effective June 14, 1985; amended at 9 Ill. Reg. 15820, effective November 1, 1985; amended at 10 Ill. Reg. 5557, effective April 15, 1986; amended at 11 Ill. Reg. 1390, effective January 13, 1987; amended at 11 Ill. Reg. 1551, effective January 14, 1987; amended at 11 Ill. Reg. 1829, effective January 15, 1987; recodified to 89 Ill. Adm. Code 300 at 11 Ill. Reg. 3492, Sections 302.20, 302.100, 302.110, 302.120, 302.130, 302.140, 302.150, 302.160, 302.170, 302.180, 302.190, Appendix A; amended at 13 Ill. Reg. 18847, effective November 15, 1989; amended at 14 Ill. Reg. 3438, effective March 1, 1990; amended at 14 Ill. Reg. 16430, effective September 25, 1990; amended at 14 Ill. Reg. 19010, effective November 15, 1990; amended at 16 Ill. Reg. 274, effective December 31, 1992; emergency amendment at 17 Ill. Reg. 2513, effective February 10, 1993, for a maximum of 150 days; emergency expired on July 9, 1993; amended at 17 Ill. Reg. 13438, effective July 31, 1993; amended at 19 Ill. Reg. 9107, effective June 30, 1995; amended at 19 Ill. Reg. 9485, effective July 1, 1995; emergency amendment at 19 Ill. Reg. 10746, effective July 1, 1995, for a maximum of 150 days; emergency expired November 27, 1995; emergency amendment at 19 Ill. Reg. 16735, effective November 28, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 4606, effective March 15, 1996; amended at 20 Ill Reg 6670, effective May 1, 1996; emergency amendment at 21 Ill. Reg. 1033, effective January 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3265, effective March

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1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 6204, effective May 15, 1997; amended at 21 Ill. Reg. 10912, effective July 29, 1997; amended at 22 Ill. Reg. 7140, effective April 13, 1998; emergency amendment at 22 Ill. Reg. 7289, effective April 13, 1998, for a maximum of 150 days; emergency expired September 10, 1998; amended at 22 Ill. Reg. 8803, effective May 15, 1998; amended at 22 Ill. Reg. 21314, effective December 1, 1998; emergency amendment at 25 Ill. Reg. 4292, effective March 15, 2001, for a maximum of 150 days; emergency expired August 11, 2001; amended at 25 Ill. Reg. 11821, effective August 31, 2001; amended at 25 Ill. Reg. 16243, effective 01.

SUBPART C: DEPARTMENT CHILD WELFARE SERVICES

**Section 302.310 Adoption Assistance Agreements**

a) Adoption assistance may be provided to those persons adopting children who are legally free for adoption, for whom the Department is legally responsible, who are residents of Illinois, and who the Department has determined have special needs because of which it is reasonable to conclude that the child cannot be adopted unless adoption assistance is provided. Although eligibility for adoption assistance shall be determined regardless of the financial circumstances of the adoptive parents, the types and amounts of assistance under each adoption assistance agreement shall be determined by the Department and the adoptive parents on an individual basis. The Department shall take into consideration the specific circumstances of the adoptive parents and any special care needs of the child being adopted as described in subsection (b)(2) of this Section. The types of adoption assistance that may be provided include:

1) one-time only payments of non-recurring adoption expenses incurred by or on behalf of the adoptive parents in connection with the adoption of a special needs child, up to a maximum of $1500 for each adopted child;

2) payments for physical, emotional and mental health needs not wholly payable through insurance or other public resources that are associated with or result from a condition whose onset has been established as occurring prior to the completion of the adoption. Such payments include medical benefits as provided under Title XIX of the Social Security Act (Medicaid) and include services such as physician and clinic fees, hospitalization costs, and prescriptions;

3) in cases where a child also meets the eligibility requirements of subsection (d) of this Section, ongoing monthly payments in an amount determined in each case by the Department not to exceed the applicable licensed foster care payment level the child would be receiving if the child were in foster care and subject to adjustment at a review every two years, or more frequently based on changes in the circumstances of the adopted parents and the



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needs of the child being adopted. However, while payments may be increased based on changes in the level of care the child needs, payments will not be decreased based on changes in the level of care. In no event shall the monthly adoption assistance payment be greater than the applicable licensed foster family care payment level; ~~.~~

4) an incentive payment of $3000 for children who are 14 to 18 years of age when adopted during the time period of March 15, 2001 through June 30, 2002. For a further description of the purpose and terms of this payment, see subsection (k) of this Section; and~~.~~

5) payment for day care for children under the age of three years, if the adoptive parent is employed or in an education-related program. This day care payment cannot be used in addition to therapeutic day care. Payment for day care services will end on the child's third birthday.

b) For purposes of this Section, a child shall not be considered a child with special needs unless the Department has first determined that:

1) the child cannot or should not be returned to the home of his or her parents, as determined by:

A) a judicial adjudication that the child is abused, neglected or dependent or other judicial determination that there is probable cause to believe that a child is abused, neglected or dependent; and

B) a determination by the Department that the child is likely to suffer further abuse or neglect or will not be adequately cared for if returned to the parent(s); and

2) the child meets one of the following criteria:

A) has an irreversible or non-correctable physical, mental or emotional disability; or

B) has a physical, mental or emotional disability correctable through surgery, treatment, or other specialized services; or

C) is one year ~~three years~~ of age or older; or

D) is a member of a sibling group being adopted together where at least one child meets one of the criteria in subsection (b)(2)(A) through (C) above; or

E) is a child being adopted by adoptive parents who have previously adopted, with adoption assistance, another child born of the same mother or father; and

3) a reasonable, but unsuccessful, effort has been made to place the child with adoptive parents without providing adoption assistance and the prospective adoptive parents are either unwilling or unable to adopt the child without adoption assistance, as evidenced by a written statement from the adoptive parents. A documented search for alternative adoptive placements without adoption assistance shall be made unless the Department determines that such a search is against the best interests of

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the child because the child has developed significant emotional ties with the prospective adoptive parents while in their foster care.

c) Adoption assistance as a one-time only payment for non-recurring adoption expenses shall be provided to parents adopting a child who is determined by the Department to have special needs as provided in subsection (b) of this Section. This includes expenses incurred by or on behalf of such parents, in connection with the adoption of a special needs child, either directly or through another public or private agency. These expenses include reasonable and necessary adoption fees, court costs, attorney fees, and other expenses that are directly related to the legal adoption of a child with special needs and that are not incurred in violation of State or Federal law. The amount of payments to be made in any specific case shall be determined by the needs of the child being adopted and the availability of pro bono services, and shall not exceed $1500 per adoptive child. The adoptive parents may refuse any or all payments available under this subsection (c) of this Section.

d) Adoption assistance for ongoing monthly payments and medical assistance may be provided to parents adopting a child who:

1) is determined by the Department to have special needs as provided in subsection (b) of this Section; and

2) meets one of the following conditions:

A) was eligible at the time the adoption petition was filed for Aid to Families with Dependent Children (AFDC) under the provisions of Title IV-A of the Social Security Act in effect as of July 16, 1996; or

B) was eligible for foster care maintenance payments under Title IV-E of the Social Security Act at the time the adoption petition was filed; or

C) was eligible for Supplemental Security Income (SSI) prior to finalization of the adoption; or

D) is a child for whom the Department of Children and Family Services was legally responsible when the adoption petition was filed; and

3) in all cases, other than a child determined to have special needs under subsection (b)(2) of this Section because of a documented physical, mental, or emotional disability, the child has been in the care of the Department or another agency or person other than his or her parents pursuant to an order of the court for at least one year prior to the adoption unless the child is being adopted after October 1, 1997 and is a child who had previously been adopted with adoption assistance, but the adoption was dissolved and the parental rights of the adoptive parents were terminated, or the adoptive parents died. However, the one year placement requirement is not applicable for sibling groups where at least one sibling is determined to be special needs because of a documented physical, mental, or emotional disability and meets



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all requirements for adoption assistance.

e) The Department shall make an initial determination whether to provide ongoing monthly payments and the amount of the payment in each individual case by taking into consideration the circumstances of the adoptive parents and the needs, age, and type of placement of the child being adopted as adjusted for any benefits the child will be receiving, such as Social Security, Veterans' benefits, railroad retirement or black lung benefits. Supplemental Security benefits (SSI) are not to be considered in the determination of the ongoing monthly payment. If a child is receiving SSI, the receipt of adoption assistance is taken into consideration by the Social Security Administration when calculating the amount of the SSI benefit.

f) In cases where the determination under subsection (b)(2) of this Section is based on a diagnosis that the child may eventually require care for a documented medical condition or disability related to pre-existing physical, mental, or emotional conditions or risk factors that do not yet require treatment at the time of the adoption, no such payments shall be made at that time. The adoption assistance agreement may provide that such payments be initiated when the child's pre-existing condition or identified risk factors warrant treatment or professional intervention. If such payments are commenced, the ongoing monthly payment shall in no event exceed the amount the child would receive if the child was in foster care at the time the payments are initiated.

g) The adoption assistance agreement providing for ongoing monthly payments and medical assistance shall include an agreement with the adoptive parents that the amount of any ongoing monthly payments shall be reviewed every two years and may be readjusted every two years or more frequently, based on changes in the circumstances of the adoptive parents and the needs of the child being adopted. However, while payments may be increased based on changes in the level of care the child needs, payment will not be decreased based on changes in the level of care. If the adoptive parents or the adopted child disagree with the Department's determination, they may appeal the determination in accordance with 89 Ill. Adm. Code 337 (Service Appeal Process). Adoptive parents may refuse any or all payments offered by the Department.

h) A prospective adoptive family being presented with a child determined to be a special needs child shall be made aware of the availability of adoption assistance and the types of adoption assistance and, in the case of ongoing monthly adoption assistance payments, that such payments are subject to review at least every two years and may be terminated or readjusted based on subsections (i) and (j). In order to receive adoption assistance, the child must be placed in the adoptive home and the adoption assistance agreement signed prior to finalization of the adoption.

i) The type(s), amount and duration of adoption assistance shall be agreed to in writing by the Department and the adoptive parent(s)

prior to the finalization of the adoption, and shall be set forth in the adoption assistance agreement, which shall be binding on the parties to the agreement. The agreement shall also stipulate that the agreement shall remain in effect regardless of the state where the adoptive parents reside currently or in the future and shall contain provisions for the protection of the interests of the child in cases where the adoptive parents and child move to another state while the agreement is in effect. The duration of adoption assistance may extend until age 18 years, or until age 19 years if the child is still in high school, although adoption assistance may be provided at the Department's option until the child's 21st birthday if the child has a physical, mental or emotional disability that warrants the continuation of assistance. The adoptive parents or the adoptive child may appeal the Department's decision to discontinue adoption assistance at age 18 or 19 for a child still in high school.

j) The adoptive parent shall notify the Department as soon as practically possible in writing of a change in address or when the following changes occur which will affect the amount of adoption assistance:
   1) the child is no longer the legal responsibility of the adoptive parent;
   2) the child is no longer receiving financial support from the adoptive parent;
   3) the child's condition has changed to the extent that, if the child were in foster care, an increase in the child's level of care would be required; or
   4) a change has occurred in the circumstances of the family that is relevant in determining the amount of assistance payments. Such circumstances pertain to the parents' ability to incorporate the child into their household in relation to their standard of living, future plans and overall capacity to meet the immediate and future needs of the child.

k) The Department will provide a payment of $3000 to be awarded to an adopted child under the following circumstances in the manner described:
   1) In order t assist youth who have been adopted to make the transition to adulthood, the Department will provide a payment of $3000 directly to the youth upon termination of his or her adoption subsidy.
   2) the payment is intended to assist the child's transition to adulthood by helping pay for education, housing, or other forms of vocational training or employment assistance.
   3) In order to be eligible for this payment, the child:
      A) must have been the legal responsibility of the Department prior to the adoption; and
      B) must have been 14 to 18 years of age when adopted, during the time period of March 15, 2001 through June 30, 2002.
   4) Children in adoptive placements within this time period who do not have their adoptions finalized by June 30, 2002 will not be



eligible for this grant award.
   5) The payment will be awarded directly to the child.

l) If an adoption is dissolved because of the termination of the parental rights of the adoptive parents or the death of the adoptive parents, a child adopted with adoption assistance continues to be eligible for such assistance if he or she is adopted again on or after October 1, 1997.

(Source: Amended at 25 Ill. Reg. 16243, effective 2001)

**Section 302.405 Subsidized Guardianship Program**

a) Description. Subsidized guardianship is a program for which the Department has received waivers from the federal Department of Health and Human Services under Section 1130 of the Social Security Act to operate a child welfare demonstration project. The program offers a subsidized private guardianship arrangement for children for whom the permanency goals of return home and adoption have been ruled out as evidenced by an assessment documented in the service plan. The types of assistance that may be provided include:
   1) payments of one-time court costs and legal fees, if required, in connection with the establishment of guardianship, up to a maximum of $500;
   2) payments for physical, emotional and mental health needs not wholly payable through insurance or other public resources that are associated with or result from a medical condition whose onset has been established as occurring prior to the transfer of guardianship. Such payments include medical benefits as provided under Title XIX of the Social Security Act (Medicaid) and include services such as physician and clinic fees, hospitalization costs, and prescriptions; and
   3) ongoing monthly payments in an amount determined in each case by the Department in accordance with subsection (e) below; ~~.~~
   4) an incentive payment of $3000 for children 14 to 18 years of age, when guardianship with subsidized guardianship was awarded the private guardian during the time period of March 15, 2001 and June 30, 2002. For a further description of the purpose and terms of this payment, see subsection (f) of this Section; and~~.~~
   5) payment for day care for children under the age of three years, if the guardian is employed or in an education-related program. This day care payment cannot be used in addition to therapeutic day care. Payment for day care services will end on the child's third birthday.

b) When Subsidized Guardianship is Appropriate
Subsidized guardianship is a program available for only those children who meet the following criteria.
   1) The child must have been in the legal custody of the State for

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one year ~~two--years--or--more~~ immediately prior to establishing subsidized guardianship.

2) The child must have resided with the prospective private guardian (relative caregiver or non-relative licensed foster care provider) for at least one year immediately prior to establishing the subsidized guardianship. However, the one year placement requirement is not applicable for sibling groups when at least one sibling meets all other subsidized guardianship requirements.

3) A child living in the home of a non-relative must be at least 12 years of age. However, the age criteria is not applicable for sibling groups when at least one sibling meets all subsidized guardianship criteria. However, if a child younger than 12 years of age is living in the home of a non-relative and has no older sibling for whom subsidized guardianship is being considered, the caseworker must determine that subsidized guardianship is in the child's best interests due to the length of time the child has been in the home, the age of the child, characteristics, limitations, and responsibilities including health and mobility of the caretakers or the special needs of the child. The basis for the best interest decision must be documented, and must be approved by the Department Guardianship Administrator.

4) The child must have a strong attachment to the potential guardian and the guardian must have a strong commitment to the child.

5) Reunification efforts of the child with his or her family must have been ruled out despite reasonable efforts having been made to reunite the child with his or her parents as documented in the case record.

6) Adoption must have been ruled out as a permanency goal for the child.

7) The parents may consent to the subsidized guardianship arrangement or the Department may proceed, for good cause, to seek a private guardian without parental consent provided that notice is given of the guardianship petition hearing in accordance with Section 11-10.1(a) of the Probate Act [755 ILCS 5/11-10.1(a)].

8) A child 14 years of age or older must consent to the initiation of the subsidized guardianship living arrangement.

9) The prospective guardian must have no record of any felony convictions.

c) Responsibilities of the Private Subsidized Guardian

1) Private guardians are responsible for ensuring that parents have the opportunity to visit their children in accordance with the provisions/orders of the court.

2) Private guardians shall notify the Department as soon as practically possible in writing when the following changes occur which may affect the amount of the subsidy:

A) the child is no longer the legal responsibility of the subsidized guardian;



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B) the child is no longer receiving financial support from the subsidized guardian;

C) a change has occurred in the circumstances of the family that is relevant in determining the amount of assistance payments; or

D) there is a change of address.

d) Responsibilities of Department

1) Prior to approving a subsidized guardianship arrangement for a child, the Department shall determine whether subsidized guardianship is in the best interests of the child. In making that determination the Department shall, through an assessment, consider all relevant factors including but not limited to:

A) the wishes of the child's prospective subsidized guardian;

B) the wishes of the child under the age of 14 or the consent of the child, if over age 14;

C) the interaction and interrelationship of the child with the prospective subsidized guardian;

D) the child's adjustment to the present home, school, and community;

E) the child's need for stability and continuity of relationship with the prospective subsidized guardian; and

F) the mental and physical health of all individuals involved.

2) The Department shall ensure that the subsidized guardianship arrangement is a safe and suitable placement by means of a safety check which shall include a CANTS and LEADS check.

3) The Department shall ensure that members of sibling groups are placed together, unless there is an explicit determination that they should not be placed together for the reasons described in 89 Ill. Adm. Code 301 (Placement and Visitation Services) when making placements under the subsidized guardianship program.

4) The Department will offer short-term support services for foster care and relative home providers prior to and during subsidized guardianship. Services will include preliminary screening, assessment, assistance in applying for subsidized guardianship, and payment for one time only court costs and legal fees, if required.

5) The Department shall provide children in the subsidized guardianship program with a full range of services under the Medicaid program which includes health care services and mental health care services.

6) The Department shall ensure that an orientation is provided to the family of the subsidized guardian to assure that all family members understand the benefits and responsibilities of all the participants in the subsidized guardianship arrangement.

7) The Department shall ensure that each prospective guardian has access to a caseworker who will respond to requests for information and assistance.

8) The Department shall ensure that all guardians are provided

access to fair hearings under 89 Ill. Adm. Code 337 (Service Appeal Process).

9) The Department shall accept custody of the child in accordance with the Abused and Neglected Child Reporting Act [325 ILCS 5] if the guardian does not care for him or her to the extent the child's health or well-being is endangered.

10) The Department shall provide financial assistance for these children in accordance with Section 302.405(e) (Subsidy for Subsidized Guardianship).

e) Subsidy for the Subsidized Guardianship Program

1) Although eligibility for a subsidy under the subsidized guardianship program shall be determined regardless of the financial circumstances of the prospective subsidized guardian, the types and amounts of assistance under each subsidized guardianship agreement shall be determined by the Department in the same manner as described for adoption assistance in Section 302.310(e) of this Part.

2) The subsidized guardianship agreement providing for ongoing monthly payments shall include an agreement with the subsidized guardian that the amount of any ongoing monthly payments shall be reviewed at least every two years or more frequently and may be readjusted annually or more frequently. The amounts of ongoing subsidized guardianship payments are subject to change based on changes in State or federal law regarding adoption assistance payments. Subsidized guardians may refuse any or all payments offered by the Department.

3) A relative caregiver or licensed foster parent with a child determined to be eligible for the subsidized guardianship program shall be made aware of the availability of subsidized guardianship, the types of assistance available, the amount of payment, and, in the case of ongoing monthly subsidized guardianship payments, that such payments are subject to review at least every two years or more frequently and may be readjusted as set forth in subsection (e)(2) above. In order to receive a subsidized guardianship payment, the subsidized guardianship agreement must be signed prior to finalization of the transfer to private guardianship.

4) The type, amount and duration of subsidized guardianship shall be agreed to in writing by the Department and the subsidized guardian prior to the finalization of the transfer to private guardianship, and shall be set forth in the subsidized guardianship agreement, which shall be binding on the parties to the agreement. The agreement shall also stipulate that the agreement shall remain in effect regardless of the state where the subsidized guardian resides currently or in the future and shall contain provisions for the protection of the interests of the child in cases where the subsidized guardian and child move to another state while the agreement is in effect. The duration



of subsidized guardianship shall continue without further involvement by the court until termination when the child marries or dies, is emancipated, or reaches the age of 18 or 21 as specified in the agreement. The guardianship will also terminate upon the death, incapacity, resignation, or removal of the guardian.

5) While guardianship is terminated under the Probate Act when a child reaches age 18, financial assistance may be provided through age 19 for a child still in high school or until age 21 for children with certain mental or physical handicapping conditions only.

f) The Department will provide a payment of $3000 to be awarded to a child placed in subsidized guardianship under the following circumstances in the manner described:

1) In order to assist youth who have been receiving subsidized guardianship to make the transition to adulthood, the Department will provide a payment of $3000 directly to the youth upon termination of his or her subsidized guardianship subsidy.

2) The payment is intended to assist the child's transition to adulthood by helping pay for education, housing, or other forms of vocational training or employment assistance.

3) In order to be eligible for this payment, the child:

A) must have been the legal responsibility of the Department prior to the subsidized guardianship; and

B) must have been 14 to 18 years of age when guardianship was awarded to the private guardian during the time period of March 15, 2001 through June 30, 2002.

4) Children in subsidized guardianship within this time period who do not have their private guardianship finalized by June 30, 2002 will not be eligible for this grant award.

5) The payment will be awarded directly to the child.

g) Demonstration and Cost Neutrality Groups

Although participation in the subsidized guardianship program is Statewide, for purposes of meeting the cost neutrality, federal funding, and evaluation requirements of the federal waiver demonstrations, clients will be randomly assigned in three geographical areas of the State to a demonstration group or a cost neutrality group. The demonstration group will be subject to the waiver provisions of the demonstration, and the cost neutrality group will be subject to the regular treatment services according to the Department's rules and procedures. The three areas are:

1) the Cook Central Region.

2) the East St. Louis sub-region serving the following counties:

A) Madison;

B) St. Clair;

C) Bond;

D) Clinton;

E) Washington;

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F) Monroe; and
G) Randolph.

3) the Peoria sub-region serving the following counties:
A) Fulton;
B) Henderson;
C) Knox;
D) Warren;
E) Henry;
F) LaSalle;
G) McDonough;
H) Mercer;
I) Rock Island;
J) Tazewell;
K) Woodford;
L) Peoria;
M) Bureau;
N) Marshall;
O) Putnam; and
P) Stark.

(Source: Amended at 25 Ill. Reg. 16243 effective 2001)



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1) Heading of the Part: Qualifying Infrastructure Plant Surcharge

2) Code Citation: 83 Ill. Adm. Code 656

3)

| Section Numbers: | Adopted Action: |
|---|---|
| 656.10 | New Section |
| 656.20 | New Section |
| 656.30 | New Section |
| 656.40 | New Section |
| 656.50 | New Section |
| 656.60 | New Section |
| 656.70 | New Section |
| 656.80 | New Section |
| 656.90 | New Section |

4) Statutory Authority: Implementing Section 9-220.2 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/9-220.2 and 10-101].

5) Effective Date of Rules: December 19, 2001

6) Do these rules contain an automatic repeal date? No

7) Do these rules contain incorporations by reference? No

8) A copy of the adopted rules, including any material incorporated by reference, is on file in the Commission's Springfield principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: July 20, 2001, at 25 Ill. Reg. 8913

10) Has JCAR issued a Statement of Objection to these rules? No

11) Differences between proposal and final version

Section 656.20: Added

"QIP base rate revenues" mean revenues recorded in the certain accounts and their sub-accounts described in 83 Ill. Adm. Code 605, the Uniform System of Accounts for Water Utilities, and 83 Ill. Adm. Code 650, the Uniform System of Accounts for Sewer Utilities. For water utilities, QIP base rate revenues shall include revenues recorded in accounts 460, 461, 462, 464, 465, 466, and 469 as described in 83 Ill. Adm. Code 605. For sewer utilities, QIP base rate revenues shall include revenues recorded in accounts 521, 522, 523, 524, and 530 as described in 83 Ill. Adm. Code 650. QIP base rate revenues, however, shall not include revenues resulting from the QIP

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surcharge or any revenues attributable to Purchased Water and Sewage Treatment Surcharges developed pursuant to 83 Ill. Adm. Code 655.

Section 656.30(a): Added "QIP" before "base rate". Added "revenues" before "billed". Replaced "a Water Operating Revenue Account under 83 Ill. Adm. Code 605 or in a Sewer Operating Revenue Account under 83 Ill. Adm. Code 650." with "a QIP base rate revenues account as described in Section 656.20 of this Part."

Section 656.30(c): Deleted

A utility shall provide notice as required by Section 9-201(a) of the Act [220 ILCS 5/9-201(a)] after the filing of each information sheet. An explanation of the QIP surcharge shall be stated on or included with the initial billing of a QIP surcharge. The utility also shall post notice of such filing in accordance with the requirements of 83 Ill. Adm. Code 255. Unless filed as part of a general rate increase, notice of the filing of a QIP surcharge rider also shall be given in the manner required by this subsection for the filing of information sheets. No other notice of the filing of an information sheet or QIP surcharge rider shall be required, except as may be provided by law or by Order of the Commission.

Replaced with

The utility shall provide notice of the QIP surcharge rider and subsequent filings and billings as follows:

1) The utility shall maintain and keep open for public inspection a copy of each filing of a QIP surcharge rider and subsequent information sheets and shall post public notice in each office of the utility in accordance with 83 Ill. Adm. Code 255.20(a).
2) For the initial filing of a QIP surcharge rider, each utility, regardless of size, shall provide notice by newspaper publication in accordance with 83 Ill. Adm. Code 255.20(f)(1) and by mailing a notice of the filing to each of its customers.
3) In connection with the initial billing of each change in a QIP surcharge percentage as specified in an information sheet (other than a change to a zero percentage), including information sheets resulting from the annual reconciliation and Commission-ordered adjustments, the utility shall provide an explanation of the QIP surcharge to be stated on, or included with, the initial billing of the new QIP surcharge percentage.
4) Except as noted above, no other notice of the filing or billing of the QIP surcharge rider or an information sheet shall be required, except as may be provided by law or by Order of the Commission.



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Section 656.40(a)(3): Deleted "in" and "condition". Added "or to replace facilities that are obsolete and or at the end of their useful service lives life due to a change in law or a change in the regulations of a governmental agency".

Section 656.40(d): After "replacements," added "the following items may be classified as QIP:"; deleted "qualifying mains (Account 331 for water utilities) shall also include"; after "extensions", added "recorded in Account 331 for water utilities that are constructed"; added "and" and deleted ". Additionally,"; after "costs", added "recorded in the appropriate accounts listed in subsections (b) and (c) that are"; deleted "shall be included in the appropriate accounts".

Section 656.50(a)(1): Replaced "PPRT" with "PPTRIT"; replaced "personal property replacement tax" with "Personal Property Tax Replacement Income Tax".

Section 656.60(b)(1) in "NetDep": Added "average" before "forecasted"; added "cost of the" after "forecasted"; added "The average forecasted cost of the investment in QIP by plant account, net of retirements, shall be computed by using an average of 13 end-of-month balances of QIP by plant account and retirements for the period from December 31 of the year preceding the operation year through December 31 of the operation year."

Section 656.60(b)(1) in "PAR": Deleted "operating" and replaced with "QIP base rate".

Section 656.60(b)(2) in "PQR": Deleted "operating" and replaced with "QIP base rate"; added "as applicable" after "revenues".

Section 656.70(b): Replaced "the" with "a utility may file its initial information sheet with a QIP surcharge percentage for the initial operation year with an effective date of the first day of any month. The"; replaced "a new" with "any subsequent information sheet with a".

Section 656.70(e)(2): Deleted "showing"; deleted "QIP closed to utility plant. This schedule shall provide" and replaced with "providing"; added "completed" before "QIP"; added "whose cost has been transferred to utility plant with the closing of the QIP eligible project's work order" after "project".

Section 656.80(d) in "QIPRev": Added "surcharge" after "QIP".

Section 656.90(b): Added

8) All utilities shall provide bill comparisons showing the effect of the QIP surcharge for each class of customer at the average customer usage level, at five usage levels above the average

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customer usage level, and at five usage levels below the average customer usage level. The bill comparisons shall present the current bill, the proposed bill, the difference between the current bill and the proposed bill, and the percentage change between the current bill and the proposed bill. For the purposes of this subsection (b)(8), the bill comparison shall include only QIP base rate revenues, exclusive of revenue attributable to public/private fire protection service. All utilities shall also provide supporting schedules showing the billing units, charges, and revenues used in calculating the bill comparison.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these rules replace any emergency rules currently in effect? No

14) Are there any rules pending on this Part? No

15) Summary and Purpose of Rules: This Part implements Section 9-220.2 of the Public Utilities Act, which authorizes water and sewer utilities to impose surcharges for the cost of purchased water, the cost of purchased sewage treatment, other costs difficult to predict, and infrastructure costs independent of the utilities' revenue requirements.

16) Information and questions regarding these adopted rules shall be directed to:

Conrad S. Rubinkowski
Office of General Counsel
Illinois Commerce Commission
527 East Capitol Avenue
Springfield IL 62701
(217)785-3922

The full text of the adopted rules begins on the next page:



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TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER e: WATER AND SEWER UTILITIES

PART 656
QUALIFYING INFRASTRUCTURE PLANT SURCHARGE

Section
656.10 Applicability
656.20 Definitions
656.30 General Requirements
656.40 Qualifying Infrastructure Plant
656.50 Recoverable Qualifying Infrastructure Plant Costs
656.60 Determination of the Qualifying Infrastructure Plant Surcharge Percentage
656.70 Rider and Information Sheet Filings
656.80 Annual Reconciliation
656.90 Application for Qualifying Infrastructure Plant Surcharge Rider

AUTHORITY: Implementing Section 9-220.2 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/9-220.2 and 10-101].

SOURCE: Adopted at 25 Ill. Reg. 16258, effective DEC 19 2001.

**Section 656.10 Applicability**

a) The qualifying infrastructure plant surcharge (QIP surcharge) shall be applied to water/sewer bills of customers of water/sewer utilities in the rate zone where qualifying infrastructure plant (QIP) is installed by utilities having an effective QIP surcharge rider and information sheet in effect and on file with the Illinois Commerce Commission (Commission).
b) The purpose of the QIP surcharge is to recover a return on, and depreciation expense related to, the utility's investment in QIP as described in Section 656.40 of this Part. The QIP surcharge rider is authorized by Section 9-220.2 of the Public Utilities Act [220 ILCS 5/9-220.2].
c) Each QIP surcharge percentage shall be determined in accordance with Section 656.60 of this Part.

**Section 656.20 Definitions**

"Act" means the Public Utilities Act [220 ILCS 5].

"Information sheet" means a tariff sheet filed in accordance with this Part to initiate or modify a QIP surcharge percentage.

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"Operation year" means the calendar year (or portion thereof) during which a QIP surcharge percentage is applied to customer bills.

"QIP base rate revenues" mean revenues recorded in the certain accounts and their sub-accounts described in 83 Ill. Adm. Code 605, the Uniform System of Accounts for Water Utilities, and 83 Ill. Adm. Code 650, the Uniform System of Accounts for Sewer Utilities. For water utilities, QIP base rate revenues shall include revenues recorded in accounts 460, 461, 462, 464, 465, 466, and 469 as described in 83 Ill. Adm. Code 605. For sewer utilities, QIP base rate revenues shall include revenues recorded in accounts 521, 522, 523, 524, and 530 as described in 83 Ill. Adm. Code 650. QIP base rate revenues, however, shall not include revenues resulting from the QIP surcharge or any revenues attributable to Purchased Water and Sewage Treatment Surcharges developed pursuant to 83 Ill. Adm. Code 655.

"QIP surcharge percentage" is the percentage determined in accordance with Section 656.60 of this Part for filing in an information sheet.

"QIP-related costs" or "QIP costs" mean costs that are recoverable through the QIP surcharge percentage as determined in accordance with Sections 656.50 and 656.60 of this Part.

"Qualifying infrastructure plant surcharge" or "QIP surcharge" means the amount added to a customer bill when the QIP surcharge percentage is applied in accordance with Section 656.60(a) of this Part.

"Qualifying infrastructure plant" means certain non-revenue producing eligible plant that is not reflected in the rate base used to establish the utility's base rates and is consistent with the terms of Section 656.40 of this Part. Non-revenue producing plant is plant that is not constructed or installed for the purpose of serving a new customer.

"Rate zone" means the entire service area to which a particular base rate applies, but does not include areas that have different base rates even though such areas may be served by the utility.

"Reconciliation year" means the calendar year period for which actual QIP costs and revenues associated with the QIP surcharge are to be reconciled.

"Test year" means the test year period used by the utility in its last rate case as defined in 83 Ill. Adm. Code 285.150.

Section 656.30 General Requirements

a) The QIP surcharge shall be capped at 5% of the QIP base rate revenues



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billed to customers. The QIP surcharge shall not be applied to any add-on taxes, to any revenues attributable to the Purchased Water and Sewage Treatment Surcharges developed pursuant to 83 Ill. Adm. Code 655, or to any other revenues not recorded in a QIP base rate revenues account as described in Section 656.20 of this Part.

b) On the effective date of new base rates that provide for the recovery of the costs that had previously been recovered under the QIP surcharge rider, the QIP surcharge percentage for the applicable rate zone shall be reset to zero.

c) The utility shall provide notice of the QIP surcharge rider and subsequent filings and billing as follows:

1) The utility shall maintain and keep open for public inspection a copy of each filing of a QIP surcharge rider and subsequent information sheets and shall post public notice in each office of the utility in accordance with 83 Ill. Adm. Code 255.20(a).

2) For the initial filing of a QIP surcharge rider, each utility, regardless of size, shall provide notice by newspaper publication in accordance with 83 Ill. Adm. Code 255.20(f)(1) and by mailing a notice of the filing to each of its customers.

3) In connection with the initial billing of each change in a QIP surcharge percentage as specified in an information sheet (other than a change to a zero percentage), including information sheets resulting from the annual reconciliation and Commission-ordered adjustments, the utility shall provide an explanation of the QIP surcharge to be stated on, or included with, the initial billing of the new QIP surcharge percentage.

4) Except as noted above, no other notice of the filing or billing of the QIP surcharge rider or an information sheet shall be required except as may be provided by law or by Order of the Commission.

d) The QIP surcharge shall be presented as a separate line item on customer bills.

e) The revenues resulting from each QIP surcharge rider shall be recorded in a separate revenue subaccount for each rate zone.

**Section 656.40 Qualifying Infrastructure Plant**

a) To be classified as QIP, the plant additions must meet the following criteria:

1) The plant additions must be replacements of existing plant items from the accounts listed in subsections (b) and (c);

2) Such replacements must be non-revenue producing;

3) Such replacements are installed to replace facilities that are worn out or deteriorated or to replace facilities that are obsolete and at the end of their useful service lives due to a change in law or a change in the regulations of a governmental agency;

4) Such replacements are installed after the conclusion of the test

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year in the utility's latest rate case; and

5) Such replacements were not included in the calculation of the rate base in the utility's last rate case.

b) For water utilities, the plant additions shall include items from the following accounts, pursuant to 83 Ill. Adm. Code 605:
1) Account 331, Transmission and Distribution Mains;
2) Account 333, Services;
3) Account 334, Meters and Meter Installations; and
4) Account 335, Hydrants.

c) For sewer utilities, the plant additions shall include items from the following accounts, pursuant to 83 Ill. Adm. Code 650:
1) Account 360, Collecting Sewers - Force;
2) Account 361, Collecting Sewers - Gravity (including costs associated with manholes); and
3) Account 363, Services to Customers.

d) In addition to replacements, the following items may be classified as QIP: main extensions recorded in Account 331 for water utilities that are constructed to eliminate dead ends and the unreimbursed costs recorded in the appropriate accounts listed in subsections (b) and (c) that are associated with relocations of mains, services, hydrants, and sewers occasioned by street or highway construction.

e) QIP shall include only plant additions installed on or after January 1 of the year in which the utility files its initial QIP surcharge rider in accordance with Sections 656.70 and 656.90 of this Part.

**Section 656.50 Recoverable Qualifying Infrastructure Plant Costs**

a) QIP costs shall include the pre-tax return on QIP and the net depreciation expense applicable to QIP.
1) The pre-tax return is calculated using the weighted cost of debt and weighted cost of equity determined in the utility's last rate case. The weighted cost of equity is multiplied by the gross revenue conversion factor (GRCF). The product is then added to the weighted cost of debt to obtain the pre-tax return. The pre-tax return is calculated using the following formulas:

$$GRCF = \frac{1}{(1 - PPTRIT)(1 - SIT)(1 - FIT)}$$

$$PTR = ((WCCE + WCPE) \times GRCF) + WCLTD + WCSTD$$

Where:

GRCF = Gross Revenue Conversion Factor.

PPTRIT = Illinois Personal Property Tax Replacement Income Tax rate in effect at the time of the initial, annual, or quarterly filing.



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SIT = Illinois State income tax rate in effect at the time of the initial, annual, or quarterly filing.

FIT = Federal income tax rate in effect at the time of the initial, annual, or quarterly filing.

PTR = Pre-tax return.

WCCE = Weighted cost of common equity from the utility's last rate case.

WCPE = Weighted cost of preferred equity from the utility's last rate case.

WCLTD = Weighted cost of long-term debt from the utility's last rate case.

WCSTD = Weighted cost of short-term debt from the utility's last rate case.

2) Net depreciation expense shall be calculated by applying the utility's approved depreciation rate to each category of QIP. The depreciation expense for QIP shall be reduced by the depreciation expense on the plant being replaced.

**Section 656.60 Determination of the Qualifying Infrastructure Plant Surcharge Percentage**

a) The QIP surcharge percentage shall be expressed as a percentage carried to two decimal places. The QIP surcharge percentage shall be applied to the total amount billed to each customer located in the same rate zone based on the utility's otherwise applicable rates and charges. The QIP surcharge percentage shall not be applied to the exclusions listed in Section 656.30(a) of this Part.

b) In calculating the QIP surcharge percentage, the utility may choose either annual prospective operation or quarterly historical operation based on QIP investment data for a prior three-month period. Annual prospective operation may be selected only if the utility's immediately preceding rate case utilized a future test year as defined in 83 Ill. Adm. Code 285 and the utility submits the information required by Section 656.70(d)(6) of this Part.
1) Annual Prospective Operation
Utilities choosing annual prospective operation shall determine the QIP surcharge percentage for the operation year using the following formula:

$$S\% = \frac{(NetQIP \times PTR) + NetDep + (R \times 1.33) + ((O + INT) \times Om)}{PAR} \times 100\%$$

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Where:

S% = QIP surcharge percentage.

NetQIP = The average forecasted cost of the investment in QIP for the rate zone for the operation year less forecasted accumulated depreciation in QIP for the rate zone for the operation year. The average forecasted cost of QIP, net of depreciation, shall be computed by using an average of 13 end-of-month balances of QIP and accumulated depreciation for the period from December 31 of the year preceding the operation year through December 31 of the operation year.

PTR = Pre-tax return as described in Section 656.50(a)(1) of this Part.

NetDep = Net depreciation expense related to the average investment in QIP for the rate zone for the operation year. Depreciation expense shall be calculated by multiplying the average forecasted cost of the investment in QIP by plant account, net of retirements, by the approved depreciation rates for the respective accounts in which the specific items included in the average QIP investment are recorded. The average forecasted cost of the investment in QIP by plant account, net of retirements, shall be computed by using an average of 13 end-of-month balances of QIP by plant account and retirements for the period from December 31 of the year preceding the operation year through December 31 of the operation year.

R = Utility-determined reconciliation component (R component) calculated for the reconciliation year under the reconciliation feature as described in Section 656.80(d) of this Part. The reconciliation component shall be collected over nine months from April through December.

O = The Commission-ordered adjustment component (O component).

INT = The calculated interest attributable to the O component. This interest shall be calculated as described in Section 656.80(i) of this Part.

Om = The Commission-ordered O component multiplier. Om is a timing factor applied to the O component and the INT to allow for the collection of the O component and the INT



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over the remainder of the operation year. For example, if the O component and the INT were included in the QIP surcharge percentage on January 1, the Om would be 1.00. Similarly, if the O component and the INT were included in the QIP surcharge percentage on April 1, the Om would be 1.33.

PAR = The projection of total water or sewer QIP base rate revenues, as applicable, for the rate zone for the period from January 1 through December 31. The projected revenue shall not include the exclusions listed in Section 656.30(a) of this Part.

2) Quarterly Historical Operation
Utilities choosing quarterly historical operation shall determine the QIP surcharge percentage for the quarter using the following formula:

$$S\% = \frac{(NetQIP \times PTR \times .25) + NetQDep + (R \times .33) + ((O + INT) \times Om)}{PQR} \times 100\%$$

Where:

S% = QIP surcharge percentage.

NetQIP = Original cost of QIP less accumulated depreciation for the rate zone. NetQIP shall be the level of investment in QIP existing at the end of the calendar month preceding the month in which an information sheet is filed.

PTR = Pre-tax return as described in Section 656.50(a)(1) of this Part.

NetQDep = Net quarterly depreciation expense applicable to NetQIP less the quarterly depreciation applicable to plant being retired.

R = Utility-determined reconciliation component calculated for the reconciliation year under the reconciliation feature as described in Section 656.80(d) of this Part. The reconciliation component shall be collected over nine months from April through December. No reconciliation component amount shall be included for the January through March quarter.

O = Commission-ordered adjustment component.

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INT = The calculated interest attributable to the O component. This interest shall be calculated as described in Section 656.80(i) of this Part.

Om = The Commission-ordered O component multiplier. Om is a timing factor applied to the O component and the INT to allow for the collection of the O component and the INT over the remainder of the operation year. For example, if the O component and the INT were included in the QIP surcharge percentage on January 1, the Om would be 0.25. Similarly, if the O component and the INT were included in the QIP surcharge percentage on April 1, the Om would be 0.33.

PQR = Projected quarterly water or sewer QIP base rate revenues as applicable for the rate zone during the calendar quarter when the QIP surcharge percentage shall be in effect. The projected quarterly revenue shall not include the exclusions listed in Section 656.30(a) of this Part.

**Section 656.70 Rider and Information Sheet Filings**

a) A utility shall file a proposed QIP surcharge rider consistent with this Part pursuant to Section 9-201 of the Act. After a QIP surcharge rider is in effect, the QIP surcharge percentage shall be filed on an information sheet with supporting data no later than the 20th day of the month preceding the effective date of the QIP surcharge percentage. An information sheet with supporting data filed after that date, but prior to the effective date, shall be accepted only if it corrects an error or errors from a timely filed information sheet for the same effective date. Any other information sheet with supporting data shall be accepted only if submitted as a special permission request to become effective on less than 45 days notice under the provisions of Section 9-201(a) of the Act.

b) For utilities electing annual prospective operation, a utility may file its initial information sheet with a QIP surcharge percentage for the initial operation year with an effective date of the first day of any month. The effective date of any subsequent information sheet with a QIP surcharge percentage is January 1 (and April 1 if the R component is modified). A utility may, at its option, file an information sheet modifying the surcharge percentage, with an effective date of the first day of any month during the operation year, when necessary to recognize a material change in assumptions used in developing the QIP surcharge percentage (including, but not limited to, a change in depreciation rates). The utility shall also file an information sheet to implement a Commission-ordered O component.



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c) For utilities electing quarterly historical operation, a new surcharge percentage may become effective on April 1, July 1, October 1, and January 1 (with a new R component becoming effective, if required, on April 1). A utility may elect not to file an information sheet showing an increased QIP surcharge percentage for any quarter provided that the QIP costs that would have been reflected for that quarter in excess of the level reflected in developing the QIP surcharge percentage in effect for the quarter are disregarded in calculating the R component and O component for the affected reconciliation year.

d) A utility electing annual prospective operation shall provide the following with the filing of each information sheet to become effective on January 1:
   1) A calculation of the QIP surcharge percentage, PTR, and GRCF for each rate zone for which a QIP surcharge rider is in effect;
   2) A schedule showing, for each rate zone for which a QIP surcharge rider is in effect, the amount of forecasted expenditures for QIP during the operation year by plant account;
   3) A description, for each rate zone for which a QIP surcharge rider is in effect, of the projects included in each plant account by type of project;
   4) A detailed description, for each rate zone for which a QIP surcharge rider is in effect, of individual QIP projects with a forecasted cost in excess of $100,000;
   5) A detailed schedule showing the calculation of depreciation expense for each rate zone for which a QIP surcharge rider is in effect; and
   6) A statement verified by an officer of the utility that, in the belief of management:
      A) The forecast used in developing the QIP surcharge percentage was prepared in accordance with the Guidelines for Presentation of Projected Financial Information (April 1, 1999) established by the American Institute of Certified Public Accountants, Inc., 1211 Avenue of the Americas, New York NY 10036-8775; and
      B) The accounting treatment applied to events and transactions in the forecast is the same as the accounting treatment to be applied in recording the events once they occur.

e) A utility electing quarterly historical operation shall submit with each information sheet:
   1) A calculation of the QIP surcharge percentage, PTR, and GRCF for each rate zone for which a QIP surcharge rider is in effect;
   2) A detailed schedule, for each rate zone for which a QIP surcharge rider is in effect, providing the following information for each completed QIP eligible project whose cost has been transferred to utility plant with the closing of the QIP eligible project's work order:
      A) Plant account number and title;
      B) Category of project;

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C) Project name;
D) Description of project;
E) Work order number;
F) Dollar amount in the month of closing; and
G) Month and year of closing; and

3) A detailed schedule showing the calculation of depreciation expense for each rate zone for which a QIP surcharge rider is in effect.

**Section 656.80 Annual Reconciliation**

a) On or before March 15 of each year, a utility that had a QIP surcharge in effect for all or part of the immediately preceding calendar year shall submit to the Commission an annual reconciliation regarding the results for the previous reconciliation year. The annual reconciliation shall be verified by an officer of the utility. As required by this Section, the annual reconciliation shall include a calculation of the R component necessary to adjust revenue collected under the QIP surcharge rider in effect for the rate zone during the reconciliation year to an amount equivalent to the actual level of prudently-incurred QIP cost for the reconciliation year. In the event that the earnings report filed under this Section for the rate zone shows that the utility's actual rate of return has exceeded the level authorized in the utility's last water or sewer general rate proceeding, as applicable, then the R component shall include the credit required by subsections (c) and (d). Any adjustment made through the R component shall be in effect for nine months commencing on the April 1 immediately following submittal of the annual reconciliation.

b) With the annual reconciliation, the utility shall file a petition seeking initiation of the annual reconciliation hearings required by Section 9-220.2 of the Act. After the hearing, the Commission shall determine the amount of the adjustment, if any, that should be made (through the O component) to the level of revenue collected by operation of the QIP surcharge rider during the reconciliation year, so that the amount of such revenue is equal to the actual level of prudently-incurred QIP cost for the reconciliation year (to the extent that such adjustment has not already been reflected through an adjustment made by the utility to the R component of the QIP surcharge percentage).

c) In the annual reconciliation, the utility shall include, for each rate zone in which a QIP surcharge has been in effect, data showing operating income and rate base for the reconciliation year, such data being developed in accordance with subsection (f)(4). If, for any such rate zone, the actual rate of return on rate base for the reconciliation year exceeds the overall rate of return allowed in the utility's last water or sewer general rate proceeding, revenues collected under the QIP surcharge rider shall be reflected as a credit



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through the R component of the QIP surcharge to the extent that such revenues contributed to the realization of a rate of return above the last approved level. A credit value for the R component will result in a reduction of the QIP surcharge percentage. To the extent, if any, that a required adjustment for a reconciliation year has not been already made by the utility (through the R component), the Commission shall require (through the O component) that such an adjustment be made after the annual reconciliation hearing.

d) Utilities shall calculate the R component using the following formula:

R = (ActNetQIP x PTR) + ActNetDep - QIPRev + Rpy + Opy - EEA

Where:

| | | |
|---|---|---|
| R | = | Utility-determined reconciliation component. |
| ActNetQIP | = | The average actual cost of the investment in QIP for the rate zone for the reconciliation year less actual accumulated depreciation of QIP for the rate zone for the reconciliation year. The average actual cost of QIP, net of depreciation, shall be computed by using an average of 13 end-of-month balances of QIP and accumulated depreciation for the period from December 31 of the year preceding the reconciliation year through December 31 of the reconciliation year. (For utilities electing quarterly historical operation, the amount of the ActNetQIP shall be limited by the provisions of Section 656.70(c) of this Part.) |
| PTR | = | Pre-tax return as described in Section 656.50(a)(1) of this Part. |
| ActNetDep | = | Actual net depreciation expense related to the average investment in QIP for the rate zone for the reconciliation year. Depreciation expense shall be calculated by multiplying the actual investment in QIP by plant account, net of retirements, by the approved depreciation rates for the respective accounts in which the specific items included in the average QIP investment are recorded. (For utilities electing quarterly historical operation, the amount of the ActNetDep shall be limited by the provisions of Section 656.70(c) of this Part.) |

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QIPRev = Actual QIP revenues collected during the reconciliation year through the QIP surcharge.

Rpy = The R component from the previous reconciliation year.

Opy = The sum of the O component and the calculated interest attributable to the O component, or the sum of any O components and the calculated interest attributable to the O components, included in the calculation of the QIP surcharge percentage during the reconciliation year.

EEA = Excess earnings amount calculated in accordance with subsections (a), (c), and (f)(4) of this Section. There will only be an EEA when the utility's actual rate of return for the reconciliation year exceeds the overall rate of return authorized by the Commission in the utility's last water or sewer rate proceeding.

e) Any adjustment made by Order of the Commission under subsection (b) or (c) shall be included in the O component and be in effect for either 12 months or nine months, beginning on the next January 1 (if 12 months) or April 1 (if nine months) following the Order of the Commission, or such other period as the Commission may direct in the Order requiring that an adjustment be made.

f) Each annual reconciliation shall include the following schedules:
   1) A schedule showing, for each rate zone for which a QIP surcharge rider was in effect, the QIP costs for the reconciliation year;
   2) A schedule showing, for each rate zone for which a QIP surcharge rider was in effect, the revenues arising through the application of the QIP surcharge during the reconciliation year;
   3) A schedule showing, for each rate zone for which a QIP surcharge rider was in effect, the reconciliation component determined by the utility showing the amount to be recovered or refunded over a nine-month period commencing on April 1; and
   4) Schedules showing the utility's calculation of actual operating income and 13-month average rate base for the reconciliation year by rate zone. This calculation of actual operating income and 13-month average rate base shall be adjusted for any applicable adjustments accepted by the Commission in the utility's last rate case. In calculating the amount of federal and State income tax expense reflected in operating income, the utility shall reflect as deductible interest expense for tax purposes the product that results when the weighted embedded cost-of-debt reflected in the overall rate of return calculation used in the utility's last rate proceeding is multiplied by the rate base for the applicable



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rate zone as shown in the annual reconciliation. In the event that the actual rate of return for any rate zone exceeds the rate of return allowed in the utility's last water or sewer general rate proceeding, a schedule showing the extent to which revenues provided by operation of the QIP surcharge contributed to the difference between the actual and last-authorized rate of return also shall be provided. The amount of the revenues provided by the QIP surcharge that contributed to the actual rate of return exceeding the overall rate of return authorized by the Commission in the utility's last water or sewer rate proceeding shall be included as a credit in the calculation of the R component.

g) The first reconciliation year shall begin on the effective date of the first QIP surcharge information sheet and end on December 31 of the calendar year in which the first information sheet became effective. Each subsequent reconciliation year shall end on December 31.

h) When the utility files its annual reconciliation, the utility shall provide copies of the following items to the Commission's Manager of the Water Department and to the Commission's Manager of the Accounting Department:
   1) Copies of all workpapers pertaining to the reconciliation;
   2) A detailed summary of all invoices supporting the costs for eligible QIP surcharge projects;
   3) Copies of the applicable general ledger or comparable material supporting the recovery of the QIP surcharge;
   4) A detailed worksheet showing the calculation of any utility-determined reconciliation component (R component) amount based upon the annual reconciliation; and
   5) Information regarding the prudence of the utility's investment in QIP.

i) Amounts either collected or refunded through the O component shall accrue interest at the rate established by the Commission under 83 Ill. Adm. Code 280.70(e)(1). Interest on the O component shall be applied from the end of the reconciliation year until the O component is refunded or charged to ratepayers through the QIP surcharge.

j) If, for a rate zone, the annual reconciliation filed by a utility shows that the revenues collected by application of the QIP surcharge rider exceed actual QIP costs for three or more consecutive reconciliation years, the Commission may initiate hearings under Section 9-250 of the Act [220 ILCS 5/9-250] to determine whether the utility's QIP surcharge rider for the rate zone should be canceled.

**Section 656.90 Application for Qualifying Infrastructure Plant Surcharge Rider**

a) A utility's filing seeking initial approval of a QIP surcharge rider for a rate zone shall be accompanied with the necessary testimony and exhibits justifying the rider.

b) Required testimony and exhibits:
   1) A water utility shall prepare and provide a history of current

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replacement rates of qualifying plant, as well as history of failure, by location, for the qualified rate zone. The water utility shall provide 5 years of data by year for the following categories, based upon utility records to the extent that records of that data are available, or based upon estimates if records are not available:

A) Transmission and distribution mains, including the age, footage, and material;

B) Services, including the age, footage, and material;

C) Meters and meter installations, including the age, size, and number; and

D) Hydrants, including the age, number, and manufacturer.

2) A sewer utility shall prepare and provide a history of current replacement rates of qualifying plant, as well as a history of failure, by location, for the qualified rate zone. The sewer utility shall provide 5 years of data by year for the following categories, based upon utility records to the extent that records of that data are available, or based upon estimates if records are not available:

A) Collecting sewers - force, including the age, footage, and material;

B) Collecting sewers - gravity, including the age and number; and

C) Services to customers, including the age, footage, and material.

3) All utilities shall provide the reason for each increase in the rate of replacement and include specific data to justify the replacement rate for each plant account.

4) All utilities shall provide their specific plans for future replacements. The utilities shall provide a schedule showing the replacement projects listed by priority. This schedule shall include an explanation and justification for the prioritization.

5) All utilities shall provide detailed computations of expected revenue effects of investment in QIP for the shorter of the time period covered by the plans submitted in response to subsection (b)(4) or five years.

6) All utilities proposing to use the annual prospective method shall provide explanations for any changes in the expected rates of investment in QIP for the forecasted period as compared to the historical period.

7) All utilities shall provide any other information and data that supports the approval of the proposed QIP surcharge rider.

8) All utilities shall provide bill comparisons showing the effect of the QIP surcharge for each class of customer at the average customer usage level, at five usage levels above the average customer usage level, and at five usage levels below the average customer usage level. The bill comparisons shall present the current bill, the proposed bill, the difference between the



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current bill and the proposed bill, and the percentage change between the current bill and the proposed bill. For the purposes of this subsection (b)(8), the bill comparison shall include only QIP base rate revenues, exclusive of revenue attributable to public/private fire protection service. All utilities shall also provide supporting schedules showing the billing units, charges, and revenues used in calculating the bill comparison.

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1) Heading of the Part: Purchased Water and Sewage Treatment Surcharges

2) Code Citation: 83 Ill. Adm. Code 655

3)

| Section Numbers: | Adopted Action: |
|---|---|
| 655.10 | New Section |
| 655.20 | New Section |
| 655.30 | New Section |
| 655.40 | New Section |
| 655.50 | New Section |
| 655.60 | New Section |

4) Statutory Authority: Implementing Section 9-220.2 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/9-220.2 and 10-101].

5) Effective Date of Rules: December 19, 2001

6) Does this rulemaking contain an automatic repeal date? No

7) Do these rules contain incorporations by reference? No

8) A copy of the adopted rules, including any material incorporated by reference, is on file in the Commission's Springfield office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: April 13, 2001, at 25 Ill. Reg. 5144

10) Has JCAR issued a Statement of Objection to these rules? No

11) Differences between proposal and final version:

Section 655.40(b)(1): Added "estimated monthly average" and "for the base period"; changed "12" to "the number of months in the base period" and "purposed" to "purpose".

Section 655.40(b)(2)(B): Deleted "(B)" from "subsection (b)(2)(B)".

Section 655.60(g): Replaced "60" with "180"; replaced "the effective date of this Part" with "December 19, 2001 (on or before June 17, 2002)".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these rules replace any emergency rules currently in effect? No

14) Are there any amendments pending on this Part? No



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15) Summary and Purpose of Rules: This Part implements Section 9-220.2 of the Public Utilities Act, which authorizes water and sewer utilities to impose surcharges for the cost of purchased water, the cost of purchased sewage treatment, other costs difficult to predict, and infrastructure costs independent of the utilities' revenue requirements.

16) Information and questions regarding these adopted rules shall be directed to:

Conrad S. Rubinkowski
Office of General Counsel
Illinois Commerce Commission
527 East Capitol Avenue
Springfield IL 62701
(217)785-3922

The full text of the adopted rules begins on the next page:

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TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER e: WATER AND SEWER UTILITIES

PART 655
PURCHASED WATER AND SEWAGE TREATMENT SURCHARGES

Section
655.10 Applicability
655.20 Definitions
655.30 Recoverable Purchased Water/Sewage Treatment Costs
655.40 Determination of Purchased Water/Sewage Treatment Surcharge
655.50 Annual Reconciliation
655.60 Implementation

AUTHORITY: Implementing Section 9-220.2 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/9-220.2 and 10-101].

SOURCE: Adopted at 25 Ill. Reg. 16277 effective _____.

**Section 655.10 Applicability**

a) A purchased water/sewage treatment surcharge shall be applied to water/sewer bills of customers of water/sewer utilities in the applicable rate zone for utilities having a purchased water/sewage treatment surcharge rider and information sheet in effect and on file with the Illinois Commerce Commission (Commission).
b) A purchased water/sewage treatment surcharge shall be applied, during the effective month, in accordance with the provisions of this Part.
c) Each purchased water/sewage treatment surcharge shall be determined in accordance with Section 655.40 of this Part.

**Section 655.20 Definitions**

"Act" means the Public Utilities Act [220 ILCS 5].

"Base period" means the remaining months in the reconciliation year that includes the effective month.

"Billing unit" means the unit of billing for water billed to the customer by the utility, for example, thousands of gallons or hundreds of cubic feet.

"Commercial customer" means any customer that is not a residential customer or multi-unit residential customer.

"Effective month" means any month during which the water/sewage



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treatment surcharge shall be in effect.

"Equivalent billing units" means the number of 5/8-inch meters equivalent in flow to a larger meter.

"Information sheet" means a tariff sheet supplemental to the rider filed in accordance with this Part that establishes the initial or modified amount of a purchased water/sewage treatment surcharge.

"Large commercial customer" means a commercial customer with an annual water use of 100,000 gallons or more.

"Multi-unit residential customer" means a dwelling unit used primarily as a residence and located in a master metered building containing more than one such dwelling unit.

"Purchased water/sewage treatment surcharge" means the amount added to a customer's bill in accordance with Section 655.40 of this Part.

"Rate zone" means the service areas to which a particular base rate or purchased water/sewage treatment surcharge applies, but does not include areas that have different base rates or purchased water/sewage treatment surcharges, even though such areas may be served by the utility.

"Reconciliation year" means the calendar year for which actual water and sewage costs and revenues attributable to the purchased water/sewage treatment surcharge are to be reconciled.

"Residential customer" means a customer serviced at an individually metered premises used primarily as a residence.

"Small commercial customer" means a commercial customer with an annual water use below 100,000 gallons.

**Section 655.30 Recoverable Purchased Water/Sewage Treatment Costs**

a) Costs recoverable through the purchased water/sewage treatment surcharge shall include the following:
   1) The cost of purchased water from an entity other than the utility (including wheeling or delivery charges); and
   2) The cost of purchased sewage treatment from an entity other than the utility.
b) Recoverable purchased water/sewage treatment costs shall be offset by the revenues derived from transactions at rates not subject to the purchased water/sewage treatment surcharge to the extent that costs incurred in connection with such transactions are recoverable costs under subsection (a) above. Subsection (a) shall apply to transactions

subject to rates contained in tariffs on file with the Commission, in contracts entered into pursuant to such tariffs, and in any other contracts providing for purchased water/sewage treatment.

c) Revenues from penalty charges approved by the Commission that relate to purchased water/sewage treatment shall offset recoverable costs as determined under Section 655.40 of this Part.

d) The determination of costs recoverable from customers through the purchased water/sewage treatment surcharge shall not include water used in, and/or sewage treated for, facilities either owned or leased by the utility.

**Section 655.40 Determination of Purchased Water/Sewage Treatment Surcharge**

a) For the recovery of purchased water costs, the water surcharge shall consist of a monthly fixed charge and a variable charge.

1) The monthly fixed charge shall recover costs that do not vary with the quantity of water purchased. Such fixed charges would include items such as depreciation for existing facilities and capital-related costs for new and existing facilities when such costs are billed by the supplier as a fixed monthly or annual amount. If there are no fixed charges from the supplier, all costs shall be recovered as a variable charge.

A) Fixed costs shall be distributed among customers on an equivalent meter basis. A 5/8-inch disk meter shall equal one equivalent billing unit. Equivalent billing units for meters of other sizes shall be based upon the following ratios:

| Meter Size | Ratio |
|---|---|
| 5/8" disk | 1.0 |
| 3/4" disk | 1.5 |
| 1" disk | 2.5 |
| 1 1/2" disk | 5.0 |
| 2" disk | 8.0 |
| 3" disk | 15.0 |
| 4" disk | 25.0 |
| 6" disk | 50.0 |
| 8" disk | 80.0 |
| 10" disk | 115.0 |
| 12" disk | 168.0 |
| 3" turbine | 17.5 |
| 4" turbine | 30.0 |
| 6" turbine | 62.5 |
| 8" turbine | 90.0 |
| 10" turbine | 145.0 |

B) The fixed charge shall be calculated using the following formula:



$$FC = \frac{FSC + Rf + Of}{EBU}$$

Where:

FC= Monthly fixed charge per equivalent billing unit to be billed to customers during the base period.

FSC= Estimated fixed charge from the supplier during the base period.

Rf= Utility-determined reconciliation component for the fixed charge.

Of= Commission-ordered adjustment component for the fixed charge.

EBU= Estimated equivalent billing units for the base period.

2) The variable charge shall recover costs that vary by the quantity of water purchased plus the reconciliation component and the adjustment component and shall be charged to all customer classes based on the quantity of water used by each customer, regardless of meter size. The variable charge shall be calculated using the following formula:

$$VC = \frac{VSC + Rv + Ov}{VBU}$$

Where:

VC= Variable charge per variable billing unit to be billed to customers during the base period.

VSC= Estimated variable charge from the supplier during the base period.

Rv= Utility-determined reconciliation component for the variable charge.

Ov= Commission-ordered adjustment component for the variable charge.

VBU= Variable billing units for water to be billed to customers during the base period expressed in 1,000 gallon or 100 cubic feet increments.

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b) For the recovery of purchased sewage treatment costs, if the utility's cost for purchased sewage treatment does not vary based on the strength of waste treated, the sewage treatment surcharge shall consist of a monthly charge.

1) If all customers are residential, multi-unit residential, or small commercial customers, divide the total expected cost plus the reconciliation component and the adjustment component by the estimated monthly average number of customers for the base period and divide that amount by the number of months in the base period to obtain the monthly charge. For the purposes of subsection (b)(1), each multi-unit residential customer shall be counted as 85% of a residential customer. The charge for purchased sewage treatment will be calculated using the following formula:

$$SCm = \frac{PST + R + O}{NC \times M}$$

Where:

SCm= Monthly charge per residential customer or small commercial customer for purchased sewage treatment to be billed during the base period. (The monthly charge for each multi-unit residential customer shall equal SCm x .85.)

PST= Estimated cost of purchased sewage treatment charges from the supplier for the base period.

R= Utility-determined reconciliation component.

O= Commission-ordered adjustment component.

NC= Estimated monthly average number of customers for the base period (each multi-unit residential customer is counted as .85 of one residential customer).

M= Number of months in the base period.

2) If the system serves one or more large commercial customers, the sewage treatment surcharge shall be calculated in the following manner.

A) The sewage treatment surcharge for large commercial customers shall be computed by obtaining an average cost of sewage treatment per 1,000 gallons or per 100 cubic feet of water used by all customers. The large commercial customers shall have a minimum monthly bill equal to the residential monthly sewage treatment surcharge as determined under subsection (b)(2)(B). Any over-recovery of revenue resulting



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from the imposition of the minimum bill to large commercial customers shall result in a reduction of the cost of the large commercial rate so that the total revenue recovered equals the target revenue from large commercial customers.

B) The residential sewage treatment surcharge shall be a flat rate equal to the average cost per 1,000 gallons or per 100 cubic feet of water used multiplied by the total average monthly estimated water usage of the residential customer class divided by the number of residential customers. For purposes of subsection (b)(2), each multi-unit residential customer shall be counted as 85% of a residential customer.

C) The multi-unit residential sewage treatment surcharge shall be equal to the residential sewage treatment surcharge multiplied by .85.

D) The charges for purchased sewage treatment shall be calculated using the following formulae:

$$SCbu = \frac{PST + R + O}{BU}$$

$$CRSCbu = SCbu - AMC$$

$$RMSC = \frac{SCbu \times RAMU}{NCr}$$

Where:

SCbu= Average charge for purchased sewage treatment per billing unit of water to be billed to residential and commercial customers during the base period.

PST= Estimated cost of purchased sewage treatment charges from the supplier for the base period.

R= Utility-determined reconciliation component.

O= Commission-ordered adjustment component.

BU= Number of billing units to be billed to customers during the base period.

CRSCbu= Large commercial rate sewage treatment charge for purchased sewage treatment per billing unit of water to be billed.

AMC= Billing adjustment for the large commercial minimum charge.

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RMSC= Residential monthly sewage treatment charge. (The multi-unit residential monthly sewage treatment charge is equal to RMSC x .85.)

RAMU= Total residential average estimated monthly water usage for the base period.

NCr= Number of residential and multi-unit residential customers (each multi-unit residential customer being equal to .85 of one residential customer).

c) If the utility's cost varies based on the strength of waste treated, the appropriate formula for determination of the purchased sewage treatment surcharge will be included in the utility's purchased sewage treatment rider.

**Section 655.50 Annual Reconciliation**

a) At the time that the utility files its annual reconciliation, the utility shall file a petition pursuant to 83 Ill. Adm. Code 200 seeking approval of its annual reconciliation. The annual reconciliation shall be verified by an officer of the utility.

b) The utility shall provide the following schedules for each surcharge being reconciled:

1) A schedule showing the costs recoverable through the applicable surcharge during the reconciliation year,

2) A schedule showing the revenues arising from the applicable surcharge during the reconciliation year, and

3) A schedule showing the reconciliation components determined by the utility (Rf, Rv, and R, as applicable) to be recovered or refunded throughout the April 1 through December 31 period following the filing of the annual reconciliation. The reconciliation components shall be treated as an addition to, or an offset against, actual purchased water/purchased sewage treatment costs.

A) The calculation of the utility-determined reconciliation components shall include the effects of the reconciliation components and adjustment components from prior reconciliation years that were effective in the year being reconciled.

B) The utility-determined reconciliation components shall include the total of the following items:

i) Refunds, directly billed supplier surcharges, unamortized balances of adjustments in effect as of the utility's implementation date, and other separately designated adjustments;

ii) For the initial reconciliation year, the cumulative difference between actual recoverable purchased



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water/sewage treatment costs and surcharge recoveries for the period preceding the initial effective month; and

iii) The unamortized portion of any reconciliation components and/or adjustment components included in prior determinations of the purchased water/sewage treatment surcharge.

C) The reconciliation components shall not include costs associated with unaccounted for water or any storm water inflow or infiltration in contravention of an Order of the Commission directing that such costs not be reflected in rates.

D) If a utility determines the need to amortize a positive reconciliation component over a period longer than nine months, the utility must receive authority from the Commission's Manager of the Accounting Department to recover such costs over a longer period. The utility shall make the request in writing to the Manager of the Accounting Department. The Manager of the Accounting Department must approve the request for a longer amortization period in writing. The Manager of the Accounting Department shall consider the dollar amount of the positive reconciliation component and the impact of the positive reconciliation component on customer bills when granting or denying a utility's request for an amortization period longer than nine months.

c) Costs and revenues associated with the purchased water/sewage treatment surcharge shall be subject to adjustment components (Of, Ov, and O, as applicable) as required by an Order of the Commission. Any difference determined by the Commission shall be credited or charged, as appropriate, along with any interest at the effective rates established by the Commission under 83 Ill. Adm. Code 280.70(e)(1). Interest on the adjustment component shall be applied from the end of the reconciliation year until the adjustment component is refunded or charged.

d) The initial reconciliation year shall begin on the effective date of the purchased water/sewage treatment surcharge and end on December 31 of the calendar year in which the surcharge was initiated. Each subsequent reconciliation year shall begin on January 1 and shall end on December 31.

e) The utility will file its annual reconciliation no later than the March 15 following the December 31 end of the reconciliation period. The utility-determined reconciliation component from the annual reconciliation shall become effective on the April 1 following the end of the reconciliation year.

f) When the utility files its annual reconciliation, the utility shall provide two copies of the following items, for each surcharge being reconciled, one copy to the Commission's Manager of the Water

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Department and one copy to the Commission's Manager of the Accounting Department:

1) Copies of all workpapers pertaining to the reconciliation;
2) Copies of all invoices supporting the costs for the applicable purchased water/sewage treatment surcharge;
3) Copies of the applicable general ledger or equivalent documentation supporting the recovery of the purchased water/sewage treatment surcharge;
4) A worksheet showing an independent calculation of the purchased water/sewage treatment surcharge. For fixed charges, the worksheet shall show the total fixed charge obtained by multiplying the monthly fixed charge by the number of customer months. For variable charges, the worksheet shall show the total variable charge obtained by multiplying the units delivered by the variable charge rate; and
5) A detailed worksheet showing the calculation of any reconciliation component based upon the annual reconciliation and the effect of the reconciliation component amount on the purchased water/sewage treatment surcharge rate.

Section 655.60 Implementation

a) A utility proposing a purchased water/sewage treatment surcharge under this Part shall file a purchased water/sewage treatment surcharge rider in accordance with the requirements of Section 9-201 of the Act [220 ILCS 5/9-201].
b) The amount of any new or modified purchased water/sewage treatment surcharge shall be shown on an information sheet supplemental to the purchased water/sewage treatment surcharge rider, which shall be filed in accordance with this Section.
c) The utility shall provide supporting documentation and workpapers with the filing of each information sheet.
d) The utility shall file the information sheet and supporting data for the purchased water/sewage treatment surcharge no later than the 20th day of the month preceding the effective month. An information sheet and supporting data filed after that date, but prior to the first day of the effective month, shall be accepted only if it corrects an error or errors from a timely filed information sheet for the same effective date. Any other information sheet and supporting data shall be accepted only if submitted as a special permission request to become effective on less than 45 days' notice under the provisions of Section 9-201(a) of the Act [220 ILCS 5/9-201(a)].
e) The purchased water/sewage treatment surcharge shall be presented as a separate line item on the customer bills.
f) The revenues resulting from each purchased water/sewage treatment surcharge shall be recorded in a separate revenue subaccount.
g) A utility that presently has in place a separate charge for the recovery of purchased water/sewage treatment costs shall, within 180



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days after December 19, 2001 (on or before June 17, 2002), file with the Commission tariff sheets proposing to initiate a new purchased water/sewage treatment surcharge rider consistent with this Part and cancel the presently effective separate charge. Such tariff sheets shall reflect the utility's proposal for disposition of reconciliation balances, if any, accrued under the separate charge in effect when the tariff sheets are filed.

h) A utility shall provide notice as required by Section 9-201(a) of the Act after the filing of each information sheet. The utility also shall post notice of such filing in accordance with the requirements of 83 Ill. Adm. Code 255. Unless filed as part of a general rate increase, notice of the filing of a purchased water/sewage treatment surcharge rider also shall be given in the manner required by this subsection for the filing of information sheets.

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Public List of Delinquent Taxpayers

2) Code Citation: 86 Ill. Adm. Code 710

3) Section Numbers: 710.20 — Adopted Action: Amendment

4) Statutory Authority: 20 ILCS 2505

5) Effective Date of Amendment: December 10, 2001

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: August 31, 2001, 25 Ill. Reg. 11054

10) Has JCAR issued a Statement of Objection to this amendment? No

11) Differences between proposal and final version: The only changes made were the ones agreed upon with JCAR. The changes made were grammar and punctuation or technical. No substantive changes were made.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this amendment replace an emergency amendment currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendment: The regulation is amended due to the passage of P.A. 92-197, which decreased the threshold by which the Department is able to publish a list of delinquent taxpayers from $10,000 to $1,000. This amendment reflects this change, which is effective January 1, 2002.

16) Information and questions regarding this adopted amendment shall be directed to:

Melanie A. Jarvis, Associate Counsel
Illinois Department of Revenue
101 West Jefferson
Springfield, Illinois 62794
(217) 782-6996



DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

The full text of the adopted amendment begins on the next page:

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE

PART 710
PUBLIC LIST OF DELINQUENT TAXPAYERS

Section
710.10 Definitions
710.20 Development of the Notice List of Delinquent Taxpayers
710.30 Notification of Delinquent Taxpayers
710.40 Grace Period
710.50 Publication of the Annual List of Delinquent Taxpayers
710.60 Periodic Updates

AUTHORITY: Implementing and authorized by Section 2505-425 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-425].

SOURCE: Emergency rules adopted at 23 Ill. Reg. 3521, effective March 4, 1999, for a maximum of 150 days; emergency expired August 1, 1999; adopted at 23 Ill. Reg. 12460, effective September 22, 1999; amended at 25 Ill. Reg. 16289, effective _____.

**Section 710.20 Development of the Notice List of Delinquent Taxpayers**

a) Prior to the disclosure of a delinquent taxpayer under the Act, the Department will deem the taxpayer delinquent and subject to disclosure under the Act, based upon the following criteria:
   1) The taxpayer is delinquent in the payment of a final tax liability collected by the Department; and
   2) Prior to August 1, 2001, the ~~The~~ taxpayer's final tax liability for all taxes collected by the Department (including penalties and interest) is greater than $10,000. On and after August 1, 2001, the taxpayer's final tax liability for all taxes collected by the Department (including penalties and interest) is greater than $1,000; and
   3) At least 6 months have passed from the time that the final tax liability was assessed or became final, as provided in the statute imposing the tax.

   Taxpayers meeting each of these criteria shall be deemed "delinquent taxpayers" subject to disclosure.
b) The Department will create and maintain the Notice List consisting of all taxpayers meeting these criteria.

(Source: Amended at 25 Ill. Reg. 16289, effective _____)



DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

1) Heading of the Part: Medical Payment

2) Code Citation: 89 Ill. Adm. Code 140

3) Section Numbers: 140.523 — Emergency Action: Amendment

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

5) Effective Date of Amendment: December 3, 2001

6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable

7) Date Filed with the Index Department: December 3, 2001

8) A copy of the emergency amendment, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Reason for Emergency: These emergency amendments are being filed pursuant to the need for fiscal year 2002 budgetary constraints. The State's current economic condition requires that substantive reductions be undertaken and the Department has determined that reductions in bed reserve payments are warranted. Immediate implementation of these changes will allow the continuation of essential long term care services while holding spending levels to corresponding appropriation amounts.

10) Complete Description of the Subjects and Issues Involved: These emergency amendments to the Department's rules concerning nursing facilities will implement certain budgetary constraints related to appropriation limitations. The changes will allow the continuation of essential long term care services while holding spending levels to corresponding appropriation amounts.

Under these changes, payment for bed reserves will be allowable for five days per hospital stay and five consecutive or non-consecutive days in a billing month for home visits. Bed reserve payments will also be allowable for five days per month for therapeutic home visits for a period not exceeding six months. Additionally, bed reserve payments will equal a daily rate at 33 percent of a resident's current Medicaid per diem.

These emergency changes are expected to reduce the annual nursing facility liability by approximately $4.5 million.

11) Are there any other amendments pending on this Part? Yes

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

| Sections | Proposed Action | Illinois Register Citation |
|---|---|---|
| 140.462 | Amendment | October 29, 2001 (25 Ill. Reg. 14279) |
| 140.463 | Amendment | October 29, 2001 (25 Ill. Reg. 14279) |
| 140.466 | Repeal | October 29, 2001 (25 Ill. Reg. 14279) |
| 140.490 | Amendment | October 5, 2001 (25 Ill. Reg. 12536) |
| 140.491 | Amendment | October 5, 2001 (25 Ill. Reg. 12536) |
| 140.492 | Amendment | October 5, 2001 (25 Ill. Reg. 12536) |
| 140.493 | Amendment | October 5, 2001 (25 Ill. Reg. 12536) |
| 140.494 | New Section | October 5, 2001 (25 Ill. Reg. 12536) |
| 140.513 | New Section | August 24, 2001 (25 Ill. Reg. 10672) |

12) Statement of Statewide Policy Objectives: These emergency amendments neither create nor expand any state mandates affecting units of local government.

13) Information and questions regarding this amendment shall be directed to:

Joanne Jones
Office of the General Counsel, Rules Section
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763-0002
(217)524-0081

The full text of the emergency amendments begins on the next page:



DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 140
MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

Section
140.1 Incorporation By Reference
140.2 Medical Assistance Programs
140.3 Covered Services Under Medical Assistance Programs
140.4 Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)
140.5 Covered Medical Services Under General Assistance
140.6 Medical Services Not Covered
140.7 Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Eight
140.8 Medical Assistance For Qualified Severely Impaired Individuals
140.9 Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
140.10 Medical Assistance Provided to Incarcerated Persons

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section
140.11 Enrollment Conditions for Medical Providers
140.12 Participation Requirements for Medical Providers
140.13 Definitions
140.14 Denial of Application to Participate in the Medical Assistance Program
140.15 Recovery of Money
140.16 Termination or Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.17 Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.18 Effect of Termination on Individuals Associated with Vendor
140.19 Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring
140.20 Submittal of Claims
140.21 Covered Medicaid Services for Qualified Medicare Beneficiaries (QMBs)
140.22 Magnetic Tape Billings (Repealed)
140.23 Payment of Claims
140.24 Payment Procedures
140.25 Overpayment or Underpayment of Claims
140.26 Payment to Factors Prohibited

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

140.27 Assignment of Vendor Payments
140.28 Record Requirements for Medical Providers
140.30 Audits
140.31 Emergency Services Audits
140.32 Prohibition on Participation, and Special Permission for Participation
140.33 Publication of List of Terminated, Suspended or Barred Entities
140.35 False Reporting and Other Fraudulent Activities
140.40 Prior Approval for Medical Services or Items
140.41 Prior Approval in Cases of Emergency
140.42 Limitation on Prior Approval
140.43 Post Approval for items or Services When Prior Approval Cannot Be Obtained
140.55 Recipient Eligibility Verification (REV) System
140.71 Reimbursement for Medical Services Through the Use of a C-13 Invoice Voucher Advance Payment and Expedited Payments
140.72 Drug Manual (Recodified)
140.73 Drug Manual Updates (Recodified)

SUBPART C: PROVIDER ASSESSMENTS

Section
140.80 Hospital Provider Fund
140.82 Developmentally Disabled Care Provider Fund
140.84 Long Term Care Provider Fund
140.94 Medicaid Developmentally Disabled Provider Participation Fee Trust Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund
140.95 Hospital Services Trust Fund
140.96 General Requirements (Recodified)
140.97 Special Requirements (Recodified)
140.98 Covered Hospital Services (Recodified)
140.99 Hospital Services Not Covered (Recodified)
140.100 Limitation On Hospital Services (Recodified)
140.101 Transplants (Recodified)
140.102 Heart Transplants (Recodified)
140.103 Liver Transplants (Recodified)
140.104 Bone Marrow Transplants (Recodified)
140.110 Disproportionate Share Hospital Adjustments (Recodified)
140.116 Payment for Inpatient Services for GA (Recodified)
140.117 Hospital Outpatient and Clinic Services (Recodified)
140.200 Payment for Hospital Services During Fiscal Year 1982 (Recodified)
140.201 Payment for Hospital Services After June 30, 1982 (Repealed)
140.202 Payment for Hospital Services During Fiscal Year 1983 (Recodified)
140.203 Limits on Length of Stay by Diagnosis (Recodified)
140.300 Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)
140.350 Copayments (Recodified)
140.360 Payment Methodology (Recodified)



DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

140.361 Non-Participating Hospitals (Recodified)
140.362 Pre July 1, 1989 Services (Recodified)
140.363 Post June 30, 1989 Services (Recodified)
140.364 Prepayment Review (Recodified)
140.365 Base Year Costs (Recodified)
140.366 Restructuring Adjustment (Recodified)
140.367 Inflation Adjustment (Recodified)
140.368 Volume Adjustment (Repealed)
140.369 Groupings (Recodified)
140.370 Rate Calculation (Recodified)
140.371 Payment (Recodified)
140.372 Review Procedure (Recodified)
140.373 Utilization (Repealed)
140.374 Alternatives (Recodified)
140.375 Exemptions (Recodified)
140.376 Utilization, Case-Mix and Discretionary Funds (Repealed)
140.390 Subacute Alcoholism and Substance Abuse Services (Recodified)
140.391 Definitions (Recodified)
140.392 Types of Subacute Alcoholism and Substance Abuse Services (Recodified)
140.394 Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)
140.396 Rate Appeals for Subacute Alcoholism and Substance Abuse Services (Recodified)
140.398 Hearings (Recodified)

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section
140.400 Payment to Practitioners, Nurses and Laboratories
140.410 Physicians' Services
140.411 Covered Services By Physicians
140.412 Services Not Covered By Physicians
140.413 Limitation on Physician Services
140.414 Requirements for Prescriptions and Dispensing of Pharmacy Items - Physicians
140.416 Optometric Services and Materials
140.417 Limitations on Optometric Services
140.418 Department of Corrections Laboratory
140.420 Dental Services
140.421 Limitations on Dental Services
140.422 Requirements for Prescriptions and Dispensing Items of Pharmacy Items - Dentists
140.425 Podiatry Services
140.426 Limitations on Podiatry Services
140.427 Requirement for Prescriptions and Dispensing of Pharmacy Items - Podiatry
140.428 Chiropractic Services

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

140.429 Limitations on Chiropractic Services (Repealed)
140.430 Independent Clinical Laboratory Services
140.431 Services Not Covered by Independent Clinical Laboratories
140.432 Limitations on Independent Clinical Laboratory Services
140.433 Payment for Clinical Laboratory Services
140.434 Record Requirements for Independent Clinical Laboratories
140.435 Nurse Services
140.436 Limitations on Nurse Services
140.438 Imaging Centers
140.440 Pharmacy Services
140.441 Pharmacy Services Not Covered
140.442 Prior Approval of Prescriptions
140.443 Filling of Prescriptions
140.444 Compounded Prescriptions
140.445 Legend Prescription Items (Not Compounded)
140.446 Over-the-Counter Items
140.447 Reimbursement
140.448 Returned Pharmacy Items
140.449 Payment of Pharmacy Items
140.450 Record Requirements for Pharmacies
140.451 Prospective Drug Review and Patient Counseling
140.452 Mental Health Clinic Services
140.453 Definitions
140.454 Types of Mental Health Clinic Services
140.455 Payment for Mental Health Clinic Services
140.456 Hearings
140.457 Therapy Services
140.458 Prior Approval for Therapy Services
140.459 Payment for Therapy Services
140.460 Clinic Services
140.461 Clinic Participation, Data and Certification Requirements
140.462 Covered Services in Clinics
140.463 Clinic Service Payment
140.464 Healthy Moms/Healthy Kids Managed Care Clinics (Repealed)
140.465 Speech and Hearing Clinics (Repealed)
140.466 Rural Health Clinics
140.467 Independent Clinics
140.469 Hospice
140.470 Home Health Services
140.471 Home Health Covered Services
140.472 Types of Home Health Services
140.473 Prior Approval for Home Health Services
140.474 Payment for Home Health Services
140.475 Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices
140.476 Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices for Which Payment Will Not Be Made
140.477 Limitations on Equipment, Prosthetic Devices and Orthotic Devices
140.478 Prior Approval for Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices



DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

140.479 Limitations, Medical Supplies
140.480 Equipment Rental Limitations
140.481 Payment for Medical Equipment, Supplies, Prosthetic Devices and Hearing Aids
140.482 Family Planning Services
140.483 Limitations on Family Planning Services
140.484 Payment for Family Planning Services
140.485 Healthy Kids Program
140.486 Limitations on Medichek Services (Repealed)
140.487 Healthy Kids Program Timeliness Standards
140.488 Periodicity Schedule, Immunizations and Diagnostic Laboratory Procedures
140.490 Medical Transportation
140.491 Limitations on Medical Transportation
140.492 Payment for Medical Transportation
140.493 Payment for Helicopter Transportation
140.495 Psychological Services
140.496 Payment for Psychological Services
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SUBPART E: GROUP CARE

Section
140.500 Long Term Care Services
140.502 Cessation of Payment at Federal Direction
140.503 Cessation of Payment for Improper Level of Care
140.504 Cessation of Payment Because of Termination of Facility
140.505 Informal Hearing Process for Denial of Payment for New ICF/MR Admissions
140.506 Provider Voluntary Withdrawal
140.507 Continuation of Provider Agreement
140.510 Determination of Need for Group Care
140.511 Long Term Care Services Covered by Department Payment
140.512 Utilization Control
140.513 Utilization Review Plan (Repealed)
140.514 Certifications and Recertifications of Care
140.515 Management of Recipient Funds--Personal Allowance Funds
140.516 Recipient Management of Funds
140.517 Correspondent Management of Funds
140.518 Facility Management of Funds
140.519 Use or Accumulation of Funds
140.520 Management of Recipient Funds--Local Office Responsibility
140.521 Room and Board Accounts
140.522 Reconciliation of Recipient Funds
140.523 Bed Reserves
EMERGENCY
140.524 Cessation of Payment Due to Loss of License

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

140.525 Quality Incentive Program (QUIP) Payment Levels
140.526 Quality Incentive Standards and Criteria for the Quality Incentive Program (QUIP) (Repealed)
140.527 Quality Incentive Survey (Repealed)
140.528 Payment of Quality Incentive (Repealed)
140.529 Reviews (Repealed)
140.530 Basis of Payment for Long Term Care Services
140.531 General Service Costs
140.532 Health Care Costs
140.533 General Administration Costs
140.534 Ownership Costs
140.535 Costs for Interest, Taxes and Rent
140.536 Organization and Pre-Operating Costs
140.537 Payments to Related Organizations
140.538 Special Costs
140.539 Reimbursement for Basic Nursing Assistant, Developmental Disabilities Aide, Basic Child Care Aide and Habilitation Aide Training and Nursing Assistant Competency Evaluation
140.540 Costs Associated With Nursing Home Care Reform Act and Implementing Regulations
140.541 Salaries Paid to Owners or Related Parties
140.542 Cost Reports-Filing Requirements
140.543 Time Standards for Filing Cost Reports
140.544 Access to Cost Reports (Repealed)
140.545 Penalty for Failure to File Cost Reports
140.550 Update of Operating Costs
140.551 General Service Costs
140.552 Nursing and Program Costs
140.553 General Administrative Costs
140.554 Component Inflation Index
140.555 Minimum Wage
140.560 Components of the Base Rate Determination
140.561 Support Costs Components
140.562 Nursing Costs
140.563 Capital Costs
140.565 Kosher Kitchen Reimbursement
140.566 Out-of-State Placement
140.567 Level II Incentive Payments (Repealed)
140.568 Duration of Incentive Payments (Repealed)
140.569 Clients With Exceptional Care Needs
140.570 Capital Rate Component Determination
140.571 Capital Rate Calculation
140.572 Total Capital Rate
140.573 Other Capital Provisions
140.574 Capital Rates for Rented Facilities
140.575 Newly Constructed Facilities (Repealed)
140.576 Renovations (Repealed)
140.577 Capital Costs for Rented Facilities (Renumbered)



DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

140.578 Property Taxes
140.579 Specialized Living Centers
140.580 Mandated Capital Improvements (Repealed)
140.581 Qualifying as Mandated Capital Improvement (Repealed)
140.582 Cost Adjustments
140.583 Campus Facilities
140.584 Illinois Municipal Retirement Fund (IMRF)
140.590 Audit and Record Requirements
140.642 Screening Assessment for Nursing Facility and Alternative Residential Settings and Services
140.643 In-Home Care Program
140.645 Home and Community Based Services Waivers for Medically Fragile, Technology Dependent, Disabled Persons Under Age 21
140.646 Reimbursement for Developmental Training (DT) Services for Individuals With Developmental Disabilities Who Reside in Long Term Care (ICF AND SNF) and Residential (ICF/MR) Facilities
140.647 Description of Developmental Training (DT) Services
140.648 Determination of the Amount of Reimbursement for Developmental Training (DT) Programs
140.649 Effective Dates of Reimbursement for Developmental Training (DT) Programs
140.650 Certification of Developmental Training (DT) Programs
140.651 Decertification of Day Programs
140.652 Terms of Assurances and Contracts
140.680 Effective Date Of Payment Rate
140.700 Discharge of Long Term Care Residents
140.830 Appeals of Rate Determinations
140.835 Determination of Cap on Payments for Long Term Care (Repealed)

SUBPART F: FEDERAL CLAIMING FOR STATE AND LOCAL GOVERNMENTAL ENTITIES

Section

140.850 Reimbursement for Administrative Expenditures
140.855 Administrative Claim Review and Reconsideration Procedure
140.860 Covered Services (Repealed)
140.865 Sponsor Qualifications (Repealed)
140.870 Sponsor Responsibilities (Repealed)
140.875 Department Responsibilities (Repealed)
140.880 Provider Qualifications (Repealed)
140.885 Provider Responsibilities (Repealed)
140.890 Payment Methodology (Repealed)
140.895 Contract Monitoring (Repealed)
140.896 Reimbursement For Program Costs (Active Treatment) For Clients In Long Term Care Facilities For the Developmentally Disabled (Recodified)
140.900 Reimbursement For Nursing Costs For Geriatric Residents in Group Care Facilities (Recodified)
140.901 Functional Areas of Needs (Recodified)

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

140.902 Service Needs (Recodified)
140.903 Definitions (Recodified)
140.904 Times and Staff Levels (Repealed)
140.905 Statewide Rates (Repealed)
140.906 Reconsiderations (Recodified)
140.907 Midnight Census Report (Recodified)
140.908 Times and Staff Levels (Recodified)
140.909 Statewide Rates (Recodified)
140.910 Referrals (Recodified)
140.911 Basic Rehabilitation Aide Training Program (Recodified)
140.912 Interim Nursing Rates (Recodified)

SUBPART G: MATERNAL AND CHILD HEALTH PROGRAM

Section
140.920 General Description
140.922 Covered Services
140.924 Maternal and Child Health Provider Participation Requirements
140.926 Client Eligibility (Repealed)
140.928 Client Enrollment and Program Components (Repealed)
140.930 Reimbursement
140.932 Payment Authorization for Referrals (Repealed)

SUBPART H: ILLINOIS COMPETITIVE ACCESS AND REIMBURSEMENT EQUITY (ICARE) PROGRAM

Section
140.940 Illinois Competitive Access and Reimbursement Equity (ICARE) Program (Recodified)
140.942 Definition of Terms (Recodified)
140.944 Notification of Negotiations (Recodified)
140.946 Hospital Participation in ICARE Program Negotiations (Recodified)
140.948 Negotiation Procedures (Recodified)
140.950 Factors Considered in Awarding ICARE Contracts (Recodified)
140.952 Closing an ICARE Area (Recodified)
140.954 Administrative Review (Recodified)
140.956 Payments to Contracting Hospitals (Recodified)
140.958 Admitting and Clinical Privileges (Recodified)
140.960 Inpatient Hospital Care or Services by Non-Contracting Hospitals Eligible for Payment (Recodified)
140.962 Payment to Hospitals for Inpatient Services or Care not Provided under the ICARE Program (Recodified)
140.964 Contract Monitoring (Recodified)
140.966 Transfer of Recipients (Recodified)
140.968 Validity of Contracts (Recodified)
140.970 Termination of ICARE Contracts (Recodified)
140.972 Hospital Services Procurement Advisory Board (Recodified)
140.980 Elimination Of Aid To The Medically Indigent (AMI) Program (Emergency Expired)
140.982 Elimination Of Hospital Services For Persons Age Eighteen (18) And Older And Persons Married And Living With Spouse, Regardless Of Age (Emergency Expired)

TABLE A Medichek Recommended Screening Procedures (Repealed)
TABLE B Geographic Areas
TABLE C Capital Cost Areas
TABLE D Schedule of Dental Procedures
TABLE E Time Limits for Processing of Prior Approval Requests
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TABLE G Travel Distance Standards
TABLE H Areas of Major Life Activity
TABLE I Staff Time and Allocation for Training Programs (Recodified)
TABLE J HSA Grouping (Repealed)
TABLE K Services Qualifying for 10% Add-On (Repealed)
TABLE L Services Qualifying for 10% Add-On to Surgical Incentive Add-On (Repealed)
TABLE M Enhanced Rates for Maternal and Child Health Provider Services

AUTHORITY: Implementing and authorized by Articles III, IV, V, VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13].

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with



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no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg.7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October



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27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.Table H and 140.Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147.Table A and 147.Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June

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19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; Section 140.569 withdrawn at 15 Ill. Reg. 1174; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5,



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1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; emergency amendment suspended effective October 12, 1993; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. 5858, effective April 5, 1996; amended at 20 Ill. Reg. 6929, effective May 6, 1996; amended at 20 Ill. Reg. 7922, effective May 31, 1996; amended at 20 Ill. Reg. 9081, effective June 28, 1996; emergency amendment at 20 Ill. Reg. 9312, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 11332, effective August 1, 1996; amended at 20 Ill. Reg. 14845, effective October 31, 1996; emergency amendment at 21 Ill. Reg. 705, effective December 31, 1996, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3734, effective March 5, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4777, effective April 2, 1997; amended at 21 Ill. Reg. 6899, effective May 23, 1997; amended at 21 Ill. Reg. 9763, effective July 15, 1997; amended at 21 Ill. Reg. 11569, effective August 1, 1997; emergency amendment at 21 Ill. Reg. 13857, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 1416, effective December 29, 1997; amended at 22 Ill. Reg. 4412, effective February 27, 1998; amended at 22 Ill. Reg. 7024, effective April 1, 1998; amended at 22 Ill. Reg. 10606, effective June 1,

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1998; emergency amendment at 22 Ill. Reg. 13117, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16302, effective August 28, 1998; amended at 22 Ill. Reg. 18979, effective September 30, 1998; amended at 22 Ill. Reg. 19898, effective October 30, 1998; emergency amendment at 22 Ill. Reg. 22108, effective December 1, 1998, for a maximum of 150 days, emergency expired April 29, 1999; amended at 23 Ill. Reg. 5796, effective April 30, 1999; amended at 23 Ill. Reg. 7122, effective June 1, 1999; emergency amendment at 23 Ill. Reg. 8236, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9874, effective August 3, 1999; amended at 23 Ill. Reg. 12697, effective October 1, 1999; amended at 23 Ill. Reg. 13646, effective November 1, 1999; amended at 23 Ill. Reg. 14567, effective December 1, 1999; amended at 24 Ill. Reg. 661, effective January 3, 2000; amended at 24 Ill. Reg. 10277, effective July 1, 2000; emergency amendment at 24 Ill. Reg. 10436, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15086, effective October 1, 2000; amended at 24 Ill. Reg. 18320, effective December 1, 2000; emergency amendment at 24 Ill. Reg. 19344, effective December 15, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 3897, effective March 1, 2001; amended at 25 Ill. Reg. 6665, effective May 11, 2001; amended at 25 Ill. Reg. 8793, effective July 1, 2001; emergency amendment at 25 Ill. Reg. 8850, effective July 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 11880, effective September 1, 2001; amended at 25 Ill. Reg. 12820, effective October 8, 2001; amended at 25 Ill. Reg. 14957, effective November 1, 2001; emergency amendment at 25 Ill. Reg. 16127, effective November 28, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 16292, effective December 3, 2001, for a maximum of 150 days.

SUBPART E: GROUP CARE

Section 140.523 Bed Reserves
EMERGENCY

a) Nursing Facilities
   1) All bed reserves must:
      A) be authorized by a physician ~~(and in the case of hospitalization, the physician must anticipate that the hospitalization will not exceed ten days)~~;
      B) have post payment approval from Bureau of Long Term Care staff based on satisfying the requirements of this Section;
      C) be limited to residents who desire to return to the same facility; and
      D) be limited to facilities having a 93 percent or higher occupancy level. The occupancy level shall be calculated including both payable and non-payable (non-payable defined as those residents that have transitioned from the maximum days allowed for payable bed reserve to non-payable bed reserve status) bedhold days as occupied beds.
   2) Payment may be approved for hospitalization for a period not to exceed five ~~ten~~ days per hospital stay. The day the resident is transferred to the hospital is the first day of the reserve bed period.
   3) Payment may be approved for home visits which have been indicated by a physician as therapeutically beneficial. In such instances, bed reserve is limited to five ~~seven~~ consecutive or non-consecutive days ~~or ten non-consecutive days in a billing month~~. The day after the resident leaves the facility is the first day of the reserve bed period. Home visits may be extended with the approval of the Department.
   4) Bureau of Long Term Care staff will approve ongoing therapeutic home visits based on the physician's standing orders for the individual. Standing orders for therapeutic home visits limited to five ~~ten~~ days per month are valid for a period not exceeding six months.
   5) Payment for approved bed reserves is a daily rate at 33 ~~75~~ percent of an individual's current Medicaid per diem.
   6) In no facility may the number of vacant beds be less than the number of beds identified for residents having an approved bed reserve. The number of vacant beds in the facility must be equal to or greater than the number of residents allowed bed reserve.
b) ICF/MR Facilities (including ICF/DD and SNF/Ped licenses)
   1) All bed reserves must:
      A) be authorized by the interdisciplinary team (IDT); and
      B) be limited to residents who desire to return to the same facility.
   2) There is no minimum occupancy level ICF/MR facilities must meet for receiving bed reserve payments.
   3) In no facility may the number of vacant beds be less than the number of beds identified for residents having an approved bed reserve. The number of vacant beds in the facility must be equal to or greater than the number of residents allowed bed reserve.
   4) Payment may be approved for hospitalization for a period not to exceed 45 consecutive days. The day the resident is transferred to the hospital is the first day of the reserve bed period. Payment for approved bed reserves for hospitalization is a daily rate at:
      A) 100 percent of a facility's current Medicaid per diem for the first ten days of an admission to a hospital;
      B) 75 percent of a facility's current Medicaid per diem for days 11 through 30 of the admission;
      C) 50 percent of a facility's current Medicaid per diem for days 31 to 45 of the admission.
   5) Payment may be approved for therapeutic visits which have been indicated by the IDT as therapeutically beneficial. There is no limitation on the bed reserve days for such approved therapeutic visits. The day after the resident leaves the facility is the first day of the bed reserve period. Payment for approved bed reserves for therapeutic visits is a daily rate at:



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A) 100 percent of a facility's current Medicaid per diem for a period not to exceed ten days per State fiscal year;
B) 75 percent of a facility's current Medicaid per diem for a period which exceeds ten days per State fiscal year.

(Source: Amended by emergency rulemaking at 25 Ill. Reg. 16292, effective December 3, 2001, for a maximum of 150 days)



OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PUBLIC INFORMATION

NOTICE OF FINE IMPOSED UNDER
THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 ("the Act"), 205 ILCS 635/4-5(h) (2000), notice is hereby given that the Commissioner of the Office of Banks and Real Estate of the State of Illinois has issued a fine of $5,000 against New Millennium Mortgage of Illinois, License No. 5775 of St. Louis, Missouri a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective December 20, 2001.

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PUBLIC INFORMATION

NOTICE OF FINE IMPOSED UNDER
THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 ("the Act"), 205 ILCS 635/4-5(h) (2000), notice is hereby given that the Commissioner of the Office of Banks and Real Estate of the State of Illinois has issued a fine of $4,500 against Senior Homeowners Financial Services, License No. 5954, of Ft. Lauderdale, Florida a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective November 28, 2001.



DEPARTMENT OF LABOR

NOTICE OF PUBLIC INFORMATION

CONTRACTOR PROHIBITED FROM AN AWARD
OF A CONTRACT OR SUBCONTRACT
FOR PUBLIC WORKS PROJECTS

Pursuant to the settlement of In re: Robertson Drywall & Acoustical, IDOL File No. 01-PW-JD02-0209, the Director of the Department of Labor gives notice that Mr. Horace Robertson, owner of Robertson Drywall & Acoustical, and any other officer, partner, shareholder or title holder of Roberts Consulting, currently located at P.O. Box 135, Holly Pond, Alabama 35083, are prohibited from bidding, accepting or working on any contract or subcontract for a public works project covered by the Prevailing Wage Act, 820 ILCS 130/0.01 *et seq.*, commencing November 1, 2001 and continuing through October 31, 2003.

Copies of the Prevailing Wage Act are available on the internet at <http://www.legis.state.il.us/ilcs/ch820/ch820act130.htm>, and at the:

Illinois Department of Labor
Conciliation and Mediation Division
One West Old State Capitol Plaza, Room 300
Springfield, Illinois 62701-1217

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of December 3, 2001 through December 10, 2001 and have been scheduled for review by the Committee at its January 9, 2002 meeting in Springfield. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

| Second Notice Expires | Agency and Rule | Start Of First Notice | JCAR Meeting |
|---|---|---|---|
| 1/16/02 | Department of Professional Regulation, Perfusionist Practice Act (68 Ill Adm Code 1335) | 9/28/01 25 Ill Reg 12240 | 1/9/02 |
| 1/16/02 | Department of Natural Resources, Sport Fishing Regulations for the Waters of Illinois (17 Ill Adm Code 810) | 10/12/01 25 Ill Reg 12684 | 1/9/02 |
| 1/18/02 | Department of Human Services, Food Stamps (89 Ill Adm Code 121) | 10/19/01 25 Ill Reg 13219 | 1/9/02 |



**PROCLAMATIONS**

**2001-625**
**GERALD CHARLES DICKENS DAY**

WHEREAS, Charles Dickens is known the world over as the prolific author of classic masterpieces that include "Oliver Twist", "Nicholas Nickelby", "Bleak House", "A Tale of Two Cities", "Great Expectations" and "David Copperfield"; and

WHEREAS, the work of Mr. Dickens not only reflects the work of a literary genius, but has done much over the centuries to raise public ire against poverty and injustice, as well as kindness toward those who are less fortunate in society; and

WHEREAS, Mr. Dickens captivated audiences in England, the United States and other ports of call by reading aloud his famous works - especially his timeless "A Christmas Carol"; and

WHEREAS, Mr. Dickens traveled to the United States more than 150 years ago to advocate for the creation of international copyrights and to champion the abolition of slavery; and

WHEREAS, his great-great-grandson, Gerald Charles Dickens, is currently visiting Illinois to carry on his family's legacy by performing his ancestors legendary works on stage; and

WHEREAS, his performances in Springfield will include the first major attraction at the city's new Springfield Center for the Arts and will benefit literacy and numerous libraries throughout the area; and

WHEREAS, Gerald Charles Dickens will help the people of Illinois initiate the holiday season by evoking the magic of his great-great grandfather's famous characters and images of Victorian England;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 17, 2001, as GERALD CHARLES DICKENS DAY in Illinois.

Issued by the Governor November 16, 2001

Filed by the Secretary of State December 10,2001

**2001-626**
**HOMECARE AND HOSPICE MONTH**

WHEREAS, Illinois Home Care Council is the nation's first home care association; and

WHEREAS, the Illinois Home Care Council has been a part of the growth and change in home health care throughout the last 41 years; and

WHEREAS, Illinois Home Care Council represents the needs of more than 160 providers of home health care; and

WHEREAS, the Illinois Home Care Council is dedicated to shaping and supporting the entire spectrum of home health care providers and related services; and

WHEREAS, home health care has grown in scope over the past 41 years and is now available for a wide variety of services including skilled nursing, hospice care, physical therapy, speech therapy, occupational therapy, infusion services, private duty, and durable medical equipment, as well as traditional bathing and general care; and

WHEREAS, these services are a tremendous savings to the State and provide access to care for people who are homebound; and

WHEREAS, if not for home health, many of these patients would be in State-funded hospitals and institutions, creating an additional burden on an already over-burdened budget; and

WHEREAS, November is National Home Care Month, recognizing the important role that home health care plays in the American health care system; and

WHEREAS, November is National Hospice Month, recognizing the important contributions of those who care for the terminally ill; and

WHEREAS, November is National Family Caregivers Month, recognizing the value of people who care for sickly family members;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 2001 as HOMECARE AND HOSPICE MONTH in Illinois.

Issued by the Governor November 16, 2001
Filed by the Secretary of State December 10,2001

**2001-627**
**congratulate Jet Magazine**

WHEREAS, *Jet Magazine* began its fine tradition of journalism 50 years ago; and

WHEREAS, throughout the years, *Jet Magazine* has played an importantrole in solidifying the African-American community; and

WHEREAS, *Jet* provides relevant news stories not reported in the mainstream media; and

WHEREAS, despite *Jet's* impressive circulation of one million copies per week and a readership of ten million, the magazine continues to expand due to its unique coverage of the issues of interest to the African-American community; and

WHEREAS, *Jet* has reported on the many successes and triumphs of the National Association for the Advancement of Colored People, which has been an integral part of the NAACP's prosperity;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, congratulate *Jet Magazine* and Publisher John H. Johnson for 50 years of hard work and dedication to the African American community.

Issued by the Governor November 16, 2001
Filed by the Secretary of State December 10,2001

**2001-628**
**TERESA HUBKA DAY**

WHEREAS, the Illinois Osteopathic Medical Society will host its annual President's Reception on Saturday, December 1, 2001, at the Oak Brook Hills Resort; and

WHEREAS, the purpose of the banquet is to honor outgoing President Teresa Hubka, DO; and

WHEREAS, in addition to president, Dr. Hubka has served the Illinois Osteopathic Medical Society over the years as vice chairperson of the Illinois Osteopathic Educational Foundation, a trustee on the IOMS Board of Trustees, and as a resident representative;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim December 1, 2001, as TERESA HUBKA DAY in Illinois, in recognition of her outstanding and distinguished service as President of the Illinois Osteopathic Medical Society.



Issued by the Governor November 26, 2001
Filed by the Secretary of State December 10,2001

**2001-629**
**2001 TIMOTHY CHRISTIAN HIGH SCHOOL GIRLS CROSS COUNTRY TEAM DAY**

WHEREAS, the 2001 Timothy Christian High School Girls Cross Country Team and Coach Dick Zylstra are to be commended and congratulated on their first State Championship Title; and

WHEREAS, the Lady Trojans won the Class A Team Championship with 115 points, with the aid of all-state runners Rachel Reed and Jenny Zylstra, placing four runners in the top 35; and

WHEREAS, team members Rachel Reed, Jenny Zylstra, Jenny Loerop, Ashley Afman, Jessica Verlare, Jodi Verlare, Michelle Pruim, Stefanie LeRoy, Tami Wieringa, Christine Snoeyink, Danielle Riley, Emily Carwell, Alexandra Hegel, Kristin Raley, Hannah Wagle, and Amy Dirkse have demonstrated extraordinary determination and commitment in their quest to be the best runners in the state; and

WHEREAS, the hard work and dedication of Coach Dick Zylstra, whose leadership has inspired these young athletes to excel to record levels, is recognized here; and

WHEREAS, these outstanding young women, who have served as role models to their fellow students and who have worked together as a team all season, encouraged and helped one another reach their final goal; and

WHEREAS, we recognize this victory is a source of great pride to the school and the entire community, and is shared by the families, friends, and the student body of Timothy Christian, who have supported the team all season;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 28, 2001, as the 2001 TIMOTHY CHRISTIAN HIGH SCHOOL GIRLS CROSS COUNTRY TEAM DAY in Illinois.

Issued by the Governor November 26, 2001
Filed by the Secretary of State December 10,2001

**2001-630**
**WINNETKA COMMUNITY HOUSE DAY**

WHEREAS, the Winnetka Community House was established in 1911; and

WHEREAS, since its establishment, the House has been a gathering place that facilitates conversation, volunteerism and harmony within the community; and

WHEREAS, throughout its nine decades of history as a North Shore institution, this facility has provided wonderful experiences and memories; and

WHEREAS, the House provides a wide variety of educational, recreational and cultural programs for children and adults; and

WHEREAS, the House offers the highest quality of guidance, equipment and programs on the North Shore for adults seeking their optimal level of fitness; and

WHEREAS, the House furnishes the community with clean, appropriately appointed and accessible space for meetings, events and celebrations; and

WHEREAS, on Saturday, December 1, 2001, more than 400 residents from Glencoe, Winnetka/Northfield, Kenilworth and Wilmette will gather at the Community House for a full afternoon of birthday festivities;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim December 1, 2001, as WINNETKA COMMUNITY HOUSE DAY in Illinois.

Issued by the Governor November 26, 2001
Filed by the Secretary of State December 10,2001

**2001-631**
**AARON M. SCHMIDT DAY**

WHEREAS, Aaron M. Schmidt was appointed on August 27, 1993, by Governor Jim Edgar to the Illinois Guardianship and Advocacy Commission; and

WHEREAS, he served as Secretary of the Commission; and

WHEREAS, Mr. Schmidt works diligently to ensure disabled persons receive nothing but the highest quality of care, reach their greatest level of independence and are treated with dignity and respect; and

WHEREAS, Mr. Schmidt is the Chair and CEO of The Packaging House, Inc., a former Chair of a task force to aid persons with physical and developmental disabilities in Chicago, served as a member of Mayor Richard Delay's Sister Cities Program, has been a leader in the Jewish Federation of Metropolitan Chicago, and has served as a North Side Small Business Crusader for United Way, Chicago;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim December 5, 2001, as AARON M. SCHMIDT DAY in Illinois.

Issued by the Governor November 27, 2001
Filed by the Secretary of State December 10,2001

**2001-632**
**CHRISTOPHER A. DEANGELIS DAY**

WHEREAS, Christopher A. DeAngelis was appointed on August 27, 1993, by Governor Jim Edgar to the Illinois Guardianship and Advocacy Commission; and

WHEREAS, he served as Chairperson of the Commission; and

WHEREAS, Mr. DeAngelis works diligently to ensure disabled persons receive nothing but the highest quality of care, reach their greatest level of independence and are treated with dignity and respect; and

WHEREAS, Mr. DeAngelis is a Senior Vice President for An Re Inc., a past President of the Board of Directors of National Runaway Switchboard, a Staff Member of Operation Snowball, and is on the Board of Directors of Our Children's Place;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim December 5, 2001, as CHRISTOPHER A. DEANGELIS DAY in Illinois.

Issued by the Governor November 27, 2001
Filed by the Secretary of State December 10,2001

**2001-633**
**FREE ENTERPRISE WEEK**

WHEREAS, it has never been the American tradition to sit around when times turn rough and watch them get rougher; and

WHEREAS, the free enterprise system is a vital part of the American way of life; and

WHEREAS, the terrorist attacks of September 11th have attempted to jeopardize free enterprise, but will not prevail;



THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim December 3-9, 2001, as FREE ENTERPRISE WEEK in Illinois.

Issued by the Governor November 27, 2001
Filed by the Secretary of State December 10,2001

**2001-634**
**JOSEPH LASSNER, PH.D. DAY**

WHEREAS, Dr. Joseph Lassner was appointed on August 27, 1993, by Governor Jim Edgar to the Illinois Guardianship and Advocacy Commission; and

WHEREAS, Dr. Lassner served as Secretary, Vice Chairperson and Chairperson of the Commission; and

WHEREAS, he was also a volunteer member of the Commission's Human Rights Authority and was Chairperson of the South Suburban Regional Human Rights Authority; and

WHEREAS, Dr. Lassner works diligently to ensure disabled persons receive nothing but the highest quality of care, reach their greatest level of independence and are treated with dignity and respect; and

WHEREAS, Dr. Lassner is a Professor Emeritus of Social Work from Loyola University, is the founding co-chair of TALE (The Adult Learning Exchange) and a consultant and trainer in many schools, hospitals, and social agencies in Metropolitan Chicago;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim December 5, 2001, as JOSEPH LASSNER, PH.D. DAY in Illinois.

Issued by the Governor November 27, 2001
Filed by the Secretary of State December 10,2001

**2001-635**
**SUSAN SUTER DAY**

WHEREAS, Susan Suter was appointed on February 24, 1994, by Governor Jim Edgar to the Illinois Guardianship and Advocacy Commission; and

WHEREAS, Ms. Suter served as Secretary and Treasurer of the Commission; and

WHEREAS, she currently holds the position of Chairperson, overseeing the Director, staff and volunteers of the Commission; and

WHEREAS, Ms. Suter works diligently to ensure disabled persons receive nothing but the highest quality of care, reach their greatest level of independence and are treated with dignity and respect; and

WHEREAS, Ms. Suter currently oversees Suter and Associates, is the former Director of the Springfield Office for the Rehabilitation Institute of Chicago, is former Director of the Illinois Department of Children and Family Services, former Director of the Illinois Department of Public Aid, former Director of the Illinois Department of Rehabilitation Services, and former Commissioner of Rehabilitation Services Administration, U.S. Department of Education;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim December 5, 2001, as SUSAN SUTER DAY in Illinois.

Issued by the Governor November 27, 2001
Filed by the Secretary of State December 10,2001

**2001-636**
**PEARL HARBOR REMEMBRANCE DAY**

WHEREAS, on December 7, 1941, the Imperial Japanese Navy and Air Force attacked units of the Armed Forces of the United States stationed at Pearl Harbor, Hawaii; and

WHEREAS, more than 2,000 United States citizens were killed, and more than 1,000 wounded in the attack on Pearl Harbor; and

WHEREAS, the attack on Pearl Harbor marked the entry of the United States into World War II; and

WHEREAS, the veterans of World War II, and all other people of the United States commemorate December 7th in the remembrance of the attack on Pearl Harbor; and

WHEREAS, commemoration of the attack on Pearl Harbor will instill in all people of the United States a greater understanding and appreciation of the selfless sacrifice of the individuals who served in the United States Armed Forces during World War II;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim December 7, 2001, as PEARL HARBOR REMEMBRANCE DAY in Illinois.

Issued by the Governor November 28, 2001
Filed by the Secretary of State December 10,2001

**2001-637**
**The National D-Day Museum in New Orleans**

WHEREAS, the National D-Day Museum opened on June 6, 2000, in New Orleans, Louisiana. Through numerous records, films, exhibits, and artifacts the Museum honors the citizens soldiers of World War II of all branches of military service, who made the victory possible by their courage, perseverance, and sacrifice during the allied and amphibious invasions in all theaters of the war; and

WHEREAS, the Museum additionally honors Andrew Jackson Higgins and the Higgins Boat, the landing craft vehicle designed and built by Higgins Industries, Inc. of New Orleans, used in the amphibious invasions of World War II and credited by General Dwight David Eisenhower as the "boat" that won the war for the allies; and

WHEREAS, the purpose of the Museum is to educate and provide a legacy of understanding to future generations of the World War II experience. Future generations must not be allowed to forget that during one of history's darkest hours, there was a generation of Americans who united together to stand as a Nation and confront and defeat the horrific evils of fascism; and

WHEREAS, the wing of the Museum devoted particularly to the amphibious operations of the Pacific Theater is scheduled to open on December 7, 2001, the 60th anniversary of the Japanese surprise attack on Pearl Harbor; and

WHEREAS, the dedication of the Pacific Wing will include numerous ceremonies, military events, the "Gathering of Eagles" and a parade that will require military units and equipment, drill teams, bands, color guards, and ceremonial units from each branch of the armed services, including a naval visit by ships of the U.S. Navy, Coast Guard, and Merchant Marine services; and

WHEREAS, the Museum, with the assistance of the United States Department of Defense and Veterans Administration, is attempting to identify and invite to the dedication events, all living veterans of the D-Days of World War II, particularly those who served in the Pacific Theater; and

WHEREAS, it is proper to preserve the memories and instances of the association of our veterans in the wars; and



WHEREAS, it is proper for the State of Illinois to support and promote the efforts of The National D-Day Museum at New Orleans, Louisiana, to assist in the preservation of these memories which honors America's Veterans, to include notification to all citizens of the State of Illinois of the existence and mission of the Museum, and the events surrounding the dedication of the Pacific Wing, December 6-9, 2001;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, do hereby proclaim to endorse and support the mission of The National D-Day Museum in New Orleans which seeks to preserve the memories and instances of veterans in the Great Wars, particularly the amphibious landings of the Allied Forces in World War II, and in particular the events surrounding the dedication of the Pacific Wing of the Museum, December 6-9, 2001.

Issued by the Governor November 28, 2001
Filed by the Secretary of State December 10,2001

**2001-638**
**EYES OF CHRISTMAS THEATREVISION AUDIO DESCRIPTION DAY**

WHEREAS, The Eyes of Christmas is representative of the audio needs of the nation's blind and vision impaired; and

WHEREAS, the more than 31 million people who cannot read ordinary print can be included in print holiday cards and other printed materials; and

WHEREAS, RP International has been at the forefront of the medical research and quality of life programs, such as, The Eyes of Christmas, for more than 29 years; and

WHEREAS, Helen Harris and her family lead us all with hope for a cure for blindness, and persistence and faith in bringing audio described programming and audio greeting cards to the blind in our communities; and

WHEREAS, the State of Illinois is proud to be included and to have its visually impaired citizens made aware of, and the ability to participate in, The Eyes of Christmas audio greeting cards and TheatreVision's description programs whenever possible;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim December 24, 2001, as EYES OF CHRISTMAS THEATREVISION AUDIO DESCRIPTION DAY in Illinois.

issued by the Governor November 30, 2001
Filed by the Secretary of State December 10,2001

**2001-639**
**LINDA M. WHITE DAY**

WHEREAS, Linda M. White, one of the Social Security Administration's most valued employees, is retiring on December 28, 2001; and

WHEREAS, Ms. White is a lifelong resident of Chicago, who began her career in public service in 1965 as a Claims Authorizer; and

WHEREAS, since 1989, Ms. White supervises more than 600 employees in her role as Area Director for Northern Ohio, based in Chicago; and

WHEREAS, Mrs. White received her BA degree from Clark University in Atlanta, her MA from the University of Chicago, and one year of post-graduate study at Stanford University;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim December 7, 2001, as LINDA M. WHITE DAY in Illinois.

Issued by the Governor November 30, 2001
Filed by the Secretary of State December 10,2001

**2001-640**
**S.A. MAXWELL DAY**

WHEREAS, the S. A. Maxwell Company has provided home dwellers with creative and pleasing wall coverings throughout the State of Illinois for 150 years; and

WHEREAS, the company's salesmen have traveled through the State of Illinois proclaiming at each stop, "Elegance has arrived!" and has produced quality wall coverings for all homes; and

WHEREAS, while the firm has moved from Lacon to Bloomington to Chicago and on to Mundelein, it has remained in the State of Illinois during its 150-year history; and

WHEREAS, the management is dedicated to conducting its worldwide business solely from the great State of Illinois during its extraordinary history;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim December 15, 2001, as S.A. MAXWELL DAY in Illinois, in recognition of this corporate citizen's sesquicentennial anniversary.

Issued by the Governor November 30, 2001
Filed by the Secretary of State December 10,2001

**2001-641**
**BERNARD NABER DAY**

WHEREAS, Bernard Naber and his wife have eight children and seventeen grandchildren; and

WHEREAS, Bernard credits his Franciscan education at Roger Bacon in developing the discipline and integrity to be successful in business and life; and

WHEREAS, in 1959, he joined his father in land development and home building, which led him to enter the real estate sales field; and

WHEREAS, Mr. Naber was with Doyle Pharmaceutical Company as a sales representative from 1962 to 1966; and

WHEREAS, in 1967, he joined Frank Tyrolt, his former sales manager at Doyle Pharmaceutical, in acquiring Dunn Company in Decatur, Illinois; and

WHEREAS, at that time Dunn Company was a fledging asphalt paving contractor and over the next 34 years it grew to be a major contractor serving residential, commercial, industrial and governmental customers throughout the State of Illinois; and

WHEREAS, in 1999, Frank Tybolt retired and Mr. Naber became the majority stockholder of the company, and at his retirement, employees of the company are purchasing his interest; and

WHEREAS, Dunn Company and its employees have provided funds to renovate a Roger Bacon classroom in honor of Mr. Naber at his retirement;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim December 31, 2001, BERNARD NABER DAY in Illinois.

Issued by the Governor°December 03, 2001
Filed by the Secretary of State December 10,2001

**2001-642**



**CECILE A. GAGAN DAY**

WHEREAS, Cecile A. Gagan has served as the Chief Executive Officer of the American Cancer Society, Illinois Division, Inc. since 1990; and

WHEREAS, Cecile has led the Illinois Division to become on of the largest and most innovative American Cancer Society Divisions in the nation, with 117,000 volunteers statewide; and

WHEREAS, Cecile A. Gagan has served the American Cancer Society for 48 years in other capacities such as the Illinois Division's Associate Director of Public Information, as Director of Public Information/Public Affairs and as Senior Director of Communications; and

WHEREAS, Cecile A. Gagan, along with teams of American Cancer Society volunteers, pioneered campaigns such as the "Great American Low Fat Pig-Out", "Tell A Smoker Where to Go", "Smoking Stinks", "Smoking is Glamorous", "Fry Now - Pay Later" and "Definitely A 15"; and

WHEREAS, Cecile A. Gagan was instrumental in developing and navigating the American Cancer Society's role in passing legislation, including the Illinois Clean Indoor Air Act and legislation relating to the Pap test, mammography and not-for-profit organizations; and

WHEREAS, Cecile A. Gagan has served as President of the Welfare Public Relations Forum of Chicago, Chair of the Public Service Committee of the Public Relation Society of America, Chair of the Forestry Commission in Oak Park and is a member of the Economic Club of Chicago, the Rotary Club of Chicago and the Hemingway Foundation;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim January 4, 2002, as CECILE A. GAGAN DAY in Illinois.

Issued by the Governor December 03, 2001
Filed by the Secretary of State December 10,2001

**2001-643**
**CIVIL AIR PATROL WEEK**

WHEREAS, Civil Air Patrol is a non-profit, humanitarian organization established in 1941 and charted by Congress in 1946; and

WHEREAS, Civil Air Patrol is represented in Illinois by the Illinois Wing-Civil Air Patrol; and

WHEREAS, under the command of Colonel Joseph S. King, Jr., his staff and a membership of 718 seniors and 595 cadets, they have stood ready to assist in any local state of national emergencies; and

WHEREAS, Civil Air Patrol flies 75 percent of the inland search and rescue missions assigned by the United State Air Force Rescue Coordination Center at Langley AFB; and

WHEREAS, even in the aftermath of the terrorist attacks they have performed numerous missions of assistance to those who have felt the physical and emotional stress of September 11th; and

WHEREAS, on Saturday, December 1, 2001, the Civil Air Patrol and the Illinois Wing will celebrate its 60th anniversary of service to our nation, our State, and to the people who live and work here;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim December 1-8, 2001, as CIVIL AIR PATROL WEEK in Illinois.

Issued by the Governor December 03, 2001
Filed by the Secretary of State December 10,2001

**2001-644**
**CONGRATULATE HENRY L. JACKSON ON RECEIVING THIS SIGNIFICANT AWARD**

WHEREAS, Henry L. Jackson, Manager of Economic Information and Analysis at the Illinois Department of Employment Security was named recipient of the 2001 Vladimir Chavrid Award at the awards luncheon during the Labor Market Information (LMI) Directors' Annual Conference in Myrtle Beach, South Carolina; and

WHEREAS, Mr. Jackson has more than 25 years of experience in LMI in Illinois, and has made significant contributions to the LMI program at the local, State, national and international levels; and

WHEREAS, Mr. Jackson has been a moving force in the innovation, advancement and promotion of the use of labor market information in Illinois and throughout the nation as a Region V representative to both the NASWA LMI Committee and the Workforce Information Council; and

WHEREAS, under his direction, Illinois has undertaken an extensive effort to make labor market information more user-friendly and accessible. He is a national leader in his marketing efforts of labor market information; and

WHEREAS, the Chavrid Award recognizes excellence in the field of labor market information and employment security operations research. Recipients exemplify those making significant contributions to the operations and understanding of labor market information. The award was designed to memorialize Mr. Vladimir Chavrid, an early pioneer in the labor market;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, congratulate Henry L. Jackson on receiving this significant award.

Issued by the Governor December 03, 2001
Filed by the Secretary of State December 10,2001

**2001-645**
**RECOGNIZE AND HONOR JOHN M. "JACK" BARRY**

WHEREAS, early on the morning of December 7, 1941, a surprise attack was launched on the U.S. Navy fleet stationed at Pearl Harbor; and

WHEREAS, this unprecedented attack on U.S. soil marked the entry of the United States into World War II; and

WHEREAS, 2,395 Americans were killed in this brutal attack, more than 1,100 were injured, and countless other lives were changed forever due to the tragic events of that day; and

WHEREAS, John M. "Jack" Barry was serving as a Seaman First Class in the U.S. Navy in Pearl Harbor at the time of the attack; and

WHEREAS, we as Americans wish to express our gratitude and appreciation to John M. "Jack" Barry and all of those who bravely fought at Pearl Harbor to defend American shores and the American way of life; and

WHEREAS, the people of Illinois wish to honor John M. "Jack" Barry for his service as Assistant Vice Chairman of the Pearl Harbor Survivors Association of Illinois and as the President of Illinois Chapter 1 of Survivors of Pearl Harbor; and we appreciate his efforts to keep the memory of Pearl Harbor alive and insure we never forget the great sacrifices made by so many on that day; and

WHEREAS, during these difficult and uncertain times, we are more mindful than ever about the contributions that veterans such as John M. "Jack" Barry make in the name of democracy;



THEREFORE, I, George H. Ryan, Governor of the State of Illinois, recognize and honor John M. "Jack" Barry with our most sincere gratitude and highest respect for his courageous service at Pearl Harbor. Our prayers and thoughts are with him as he travels to Hawaii for the commemoration of the 60th anniversary of the attack on Pearl Harbor.

Issued by the Governor December 03, 2001
Filed by the Secretary of State December 10,2001

**2001-646**
**CRIME STOPPERS MONTH IN LAKE COUNTY**

WHEREAS, Crime Stoppers of Lake County was formed in 1983 and is a community program comprised of concerned citizens who work closely with police authorities, the news media, and the public in the fight against crime in Lake County and surrounding communities; and

WHEREAS, during the month of January, Crime Stoppers will be involved in fundraising ventures and will provide information to increase public awareness of crime prevention and community safety; and

WHEREAS, Crime Stoppers of Lake County is a non-profit organization, funded primarily by private donations of money, goods or services from the public, corporations, clubs, associations, retailers and organizations. The incredible success of Crime Stoppers is due to the support of all who contribute to the program. Cash rewards are paid to people who provide information leading to the arrest of felony crime offenders and to the capture of felony fugitives. Callers always remain anonymous; and

WHEREAS, Crime Stoppers of Lake County has been in existence for more than 18 years. With the cooperation of Citizens and the Police Departments, Crime Stoppers has proven to be successful in combating crime and has made more than 3,750 arrests for recovery of stolen property and illicit narcotics. It should be noted, that since the program's inception on April 26, 1983, Lake County Crime Stoppers has led Law Enforcement Officers to more than $12 million worth of contraband and recovered stolen property throughout Lake County, Northern Illinois and Wisconsin; and

WHEREAS, Gun Stoppers is another program that has been established to remove illegal guns from public places, such as schools, school buses and playgrounds; and

WHEREAS, Lake County benefits when concerned citizens look out for each other and report crime to the appropriate authorities. It is this type of support between concerned citizens and the law enforcement agencies that improve the quality of life and safety for all communities within Lake County;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim January 2002 as CRIME STOPPERS MONTH IN LAKE COUNTY in Illinois.

Issued by the Governor December 06, 2001
Filed by the Secretary of State December 10,2001

**2001-647**
**CRITICAL CARE NURSES WEEK**

WHEREAS, Critical Care Nurses are registered professional nurses who make their optimal contribution as a part of a health care system driven by the needs of the critically ill patients; and

WHEREAS, Critical Care Nurses have a commitment to excellence in education

and an awareness that education is fundamental to professional growth an excellence in critical practice; and

WHEREAS, the American Association of Critical Care Nurses (AACN) was established in 1969 to assist members of the profession in keeping abreast with the technical advancements of the critical care environment; and

WHEREAS, AACN currently has approximately 65,000 members nationwide including more than 2,750 in Illinois; and

WHEREAS, in addition to basic preparation, Critical Care Nurses must have advance knowledge of the psycho social, physiological, and therapeutic components specific to the care of the critically ill. The CCRN certification, obtained only after passing a comprehensive examination and acquiring professional experience, is a national recognition of professional proficiency in critical care nursing;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 10-16, 2002, as CRITICAL CARE NURSES WEEK in Illinois.

Issued by the Governor December 06, 2001
Filed by the Secretary of State December 10,2001

**2001-648**
**DAN CAMPBELL DAY**

WHEREAS, the Illinois Department of Public Health is responsible for licensing all long-term care facilities in the State and ensuring that the elderly in Illinois are properly cared for in these facilities; and

WHEREAS, Dan Campbell has administered the Department's Licensure Section since March 1, 1988; and

WHEREAS, Dan Campbell first joined the Department of Public Health's Division of Health Facilities Surveillance, which was responsible for licensing nursing homes, in October 1972; and

WHEREAS, Dan Campbell has served as acting chief of the Division of Quality Assurance several times during his years with IDPH's long-term care program; and

WHEREAS, Dan Campbell's many contributions during his tenure with the department have undoubtedly made a difference in the quality of care for the elderly; and

WHEREAS, Dan Campbell is well respected by his peers and by the nursing home industry; and

WHEREAS, Dan Campbell is now retiring after 29 years of dedicated service to the Department of Public Health and to the State of Illinois;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim December 31, 2001, as DAN CAMPBELL DAY in Illinois and wish him success and happiness in all of his future endeavors.

Issued by the Governor December 06, 2001
Filed by the Secretary of State December 10,2001

**2001-649**
**MARIBETH FARNHAM DAY**

WHEREAS, the Illinois Department of Public Health is responsible for licensing all long-term care facilities in the State and ensuring that the elderly in Illinois are properly cared for in these facilities; and

WHEREAS, Maribeth Farnham has been assistant to the administrator of the



Department's Licensure Section since July 1980; and

WHEREAS, Maribeth Farnham has been a valuable career public servant with the Department since September 16, 1970, working in its long-term care program in the agency's Edwardsville Regional Office and in its central office in Springfield; and

WHEREAS, Maribeth Farnham has served on many committees with the Illinois Public Health Association; and

WHEREAS, Maribeth Farnham has served as secretary and president of the Quarter Century Club, which honors Illinois Department of Public Health employees who have worked with the agency for 25 or more years; and

WHEREAS, Maribeth Farnham's many contributions have undoubtedly made a difference in the quality of care for the elderly; and

WHEREAS, Maribeth Farnham is well respected by her peers and by the nursing home industry; and

WHEREAS, Maribeth Farnham is now retiring after 31 years of dedicated service to the Illinois Department of Public Health and to the State of Illinois;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim December 31, 2001, as MARIBETH FARNHAM DAY in Illinois and wish her success and happiness in all of her future endeavors.

Issued by the Governor December 06, 2001
Filed by the Secretary of State December 10,2001

**EXECUTIVE ORDERS**

**2001-11**

**Executive Order for State Government "Green Activities"**

WHEREAS, pursuant to Executive Order No. 6 (2000), I created the Illinois Green Government Coordinating Council as a part of my Program, Green Illinois to help state executive agencies improve the environmental efficiency of their facilities and operations;

WHEREAS, the Council has compiled information on state government environmental programs and identified a number of best management practices that agencies can take to improve environmental and resource conservation efforts;

WHEREAS, state government has made great strides in protecting the environment and saving resources, but there is still more that can be done;

WHEREAS, state government can save money and improve operating efficiency by reducing waste generation, saving energy and conserving resources:

WHEREAS, state government should provide leadership in environmental stewardship and serve as a model for private and public institutions.

NOW THEREFORE, by the authority vested in me as Governor by the Constitution and laws of Illinois, I do hereby order the following steps to be taken:

1. Waste Reduction

a. On or before March 1, 2002, each executive state agency shall implement the following best management practices to reduce waste generation:

i. Whenever possible, specify that all new and re-manufactured photocopy machines and printers purchased shall have duplexing (double-sided) capability.

ii. Require all laser printing jobs to be double-sided unless specific justification is provided not to do so. Exceptions may be provided when existing technology does not allow for duplexing or when specific documents require single-sided printing.

iii. Conduct an educational program to encourage employees to copy on both sides of paper, make the least number of hard copies necessary, route documents rather than distribute copies, post memos and bulletins in central locations, proof documents on the computer, store files electronically rather than in hard copy, avoid needless printing of email, and take other reasonable steps to save paper.

iv. Where appropriate, eliminate unnecessary paper transactions by increasing the use of electronic media, such as email and the Internet, to circulate or distribute announcements, memoranda, documents, reports, forms, manuals and publications.

v. Encourage the use of self-sticking addressing labels instead of printing full-fax cover sheets.

vi. Use rechargeable batteries, whenever possible.

vii. Establish office reuse programs (e.g., reuse cabinets, rooms or online exchanges) where unneeded supplies can be



**EXECUTIVE ORDERS**

**2001-11**

**Executive Order for State Government "Green Activities"**

returned for reuse.

viii. Create a system to keep distribution and mailing lists current to avoid duplication.

ix. Discourage the use of disposable products when reusable products are available and economically viable.

x. To the extent feasible, acquire items that are more durable, have minimal packaging or are readily recyclable when discarded.

xi. Provide ongoing training and education to employees to enhance participation in recycling programs.

2. Energy Efficiency

a. On or before March 1, 2002, each executive state agency shall implement the following best management practices to reduce energy consumption:

i. Specify that all new electronic office equipment purchased, including computers, monitors, printers, scanners, fax machines and copiers, shall be Energy Star compliant. Each agency shall institute procedures to ensure the energy-saving feature in all Energy Star electronic office equipment is activated, unless it is demonstrated to the Illinois Green Government Coordinating Council that this feature will hinder the performance of specific equipment, file servers or networking applications.

ii. Conduct an educational program to encourage employees to turn off lights, computers, copying and other machines and equipment when not needed.

iii. Establish procedures to adjust window treatments to take advantage of solar heat gain during winter daylight hours and repel solar heat gain during summer daylight hours.

b. On or before June 1, 2002, each executive state agency that owns, operates or maintains a building shall implement the following best management practices to improve energy efficiency:

i. Establish a program to perform regular maintenance on all lighting, heating, ventilation and air conditioning systems, such as lubricating, vacuuming, cleaning and checking seals, to ensure optimum efficiency.

ii. Establish a program to evaluate the feasibility of converting to more energy-efficient lighting systems (e.g., compact fluorescent bulbs, T-10 & T-8 lighting fixtures, electronic ballasts, light-emitting diodes exit signs, occupancy sensors, and lighting controls). Based on this review, each state agency shall establish goals for making cost-effective lighting efficiency improvements that reduce electricity costs and maintain illumination quality.

iii. Establish procedures to identify and eliminate leaks in building exteriors, such as walls, windows, doors, ceilings

**EXECUTIVE ORDERS**

**2001-11**

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and floors.

iv. Establish procedures to reduce unnecessary use of lighting, heating, ventilation and air conditioning systems during unoccupied hours, and to adjust thermostats to maximize energy savings while providing occupant comfort, where appropriate.

v. Evaluate the feasibility of decreasing turf areas by using low-maintenance native plants, and establisn goals to convert to cost-effective native landscaping practices to reduce mowing and conserve gasoline.

c. On or before March 1, 2002, each executive state agency that maintains a vehicle fleet shall implement the following best management practices to reduce fuel consumption.

i. Establish a program to decrease the amount of gasoline and diesel fuel used in state vehicles and equipment by increasing vehicle fleet fuel economy and improving operational efficiency through regular scheduled maintenance.

ii. Limit the purchase of sport utility vehicles and similar specialty vehicles to situations where there is a clear operational need for such vehicles.

iii. Increase employee awareness of gasoline refueling stations that dispense 85% ethanol blended (E-85) fuel for flexible fuel vehicles in the fleet.

iv. Conduct an educational program to encourage employees to drive more efficiently to save fuel in state vehicles.

v. Encourage employees to carpool with other state employees traveling to the same meeting or event.

vi. Where appropriate, create incentives for employees to carpool to work, such as creating informational ride-boards and providing preferred parking.

3. Environmentally Preferable Purchasing

a. On or before February 1, 2002, the Department of Central Management Services (CMS) shall review and update its qualified product lists and master contracts to ensure the availability of the following products for state agencies to purchase:

i. Zero to low volatile organic compound (VOC) paints that meet Green Seal standards for interior and exterior coatings,

ii. Post-consumer recycled content carpets, carpet tiles and carpet backing,

iii. Energy Star99 compliant computers, monitors, printers, scanners, fax machines and copiers.

iv. Photocopy machines and printers with duplexing capability.

b. Beginning March 1, 2002, each state executive agency that owns, operates or maintains a building, whenever possible, shall specify



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that paints purchased for remodeling, repair and renovation projects be zero or low VOC paints.

c. Beginning March 1, 2002, each state executive agency that owns, operates or maintains a building, whenever possible, shall specify that carpeting and carpet backing purchased for remodeling and renovation projects contain post-consumer recycled content. In addition, each agency, whenever possible, shall specify and use carpet installation products that meet the Carpet and Rug Institute Indoor Air Quality Carpet Test Green Label Guidelines.

d. Nothing in the above provisions shall preclude state executive agencies from continuing to consider costs, availability and quality or performance specifications in making procurement decisions.

e. On or before June 1, 2002, the Department of Central Management Services, in collaboration with the Illinois Environmental Protection Agency and the Illinois Department of Commerce and Community Affairs, shall prepare educational materials and conduct outreach to promote acceptance of environmentally preferable products that have the potential for widespread applications throughout government operations. For the purposes of this section, the term "environmentally preferable products" means purchasing products or services that have a lesser or reduced effect on human health and the environment when compared with competing products or services that serve the same or similar purposes. It includes but is not limited to products or services which contain recycled content, minimize waste, conserve energy or water, involve the use of renewable resources or alternative fuels, and reduce the amount of toxins disposed or consumed.

4. Green Buildings

a. On or before June 1, 2002, the Illinois Capital Development Board shall convene an advisory group to develop a set of policy and program recommendations to expand green building practices in state construction and renovation projects. The advisory group, among other things, shall: Issued by the GovernorFiled by the Secretary of State December 05, 2001 December 05,2001

i. Develop a consensus definition of "green buildings,"

ii. Identify decision-making tools and planning approaches that facilitate the incorporation of green building features into new and renovated facilities,

iii. Develop flexible green building performance guidelines for state projects, taking into account practical requirements of building design and construction as well as costs, client or agency needs, building code requirements and changing technologies.

5. Technical Assistance

a. The Illinois Green Government Coordinating Council shall take all

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actions necessary to assist state executive agencies in complying with the requirements of this order, including but not limited to providing guidance, coordinating appropriate educational programs and developing resource materials.

6. Effective Date
This Executive order shall be effective immediately.

Rules acted upon in Issue 50 are listed in the Issues Index by Title number, part number and Issue Number. The letter "R" designates a rule that has been repealed. Inquiries about the Issue Index may be directed to the Administrative Code Division at 217-785-7538.

**PROPOSED**

86-130-51
86-180-51
89-309-51
89-315-51

**ADOPTED**

83-655-51
83-656-51
86-710-51
89-302-51

**EMERGENCY**

89-140-51